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Grantmaking and Research in the US, 1933-1983*

Introduction

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It is fitting that the American Philosophical Society, which for more than fifty years has made grants in support of research, should have sponsored a symposium devoted to the history of the phenomenon of grantmaking. Curiously, the finance of basic research has been recognized as a subject worthy of independent investigation only during the last generation of scholarship. Perhaps it is a sign of intellectual maturity that a nation which has nurtured institutions devoted to scientific and humanistic research for two hundred years, has now begun to analyze the ecology of research itself.

Public rhetoric in all fields of intellectual inquiry holds that research is good in itself, and that indeed it is the responsibility of the nation to support basic research. In private, however, researchers talk a different language. They are committed to particular fields of research and research methodologies; they have firm value hierarchies in comparing the several research sectors; they do not believe that all research is worthwhile. The national research community is intensely competitive, despite the politeness of annual meetings such as those of APS, each believing that its own sector is the most deserving of funding.

What has made the American research process more or less unique in comparison to that in other cultures is its privatization. In Europe, especially, higher education is generally administered by the state itself. In the United States, from the beginning, a major portion of science and education has been lodged in what we now call the private sector. Even the massive governmentalization and nationalization of education and research in the post-World War II period has left Americans with a complicated mixture of public and private control of the educational process. Even where government in fact controls, our liberal ideology compels us to stress the citizen contribution to the determination of policy. Thus, we have boards of trustees or regents for state universities, while NSF and NEH require "peer review" of grant applications. The official rhetoric is both liberal and meritocratic—we believe that the "invisible hand" is at work in culture as well as in the economy; there has been no statist control of research policy, for in our culture the "best" researchers will receive funding.

The new history of philanthropy shows that this stereotype is not descriptive of reality. Historians, sociologists and economists have begun to analyze methods and patterns of research funding in order to relate the funding process to the development of particular fields of knowledge. We now begin

* Symposium 10 November 1983.

to understand the impact of Abraham Flexner and the General Education Board on the reform of American medical education in the 1920s, the creation of modern molecular biology by Warren Weaver and the Rockefeller Foundation in the 1930s, and the transformation of "area studies" by the Ford Foundation in the 1950s. We can specify what researchers have always known: that major trends in research are ordinarily the result of funding decisions; that these decisions might well have gone another way, with quite different intellectual consequences; that sets of funding decisions constitute intellectual policies. To understand the history of research, that is, we must analyze the systematic behavior of funding agencies, whether they be governments, universities, philanthropic organizations or corporations.

The three brief papers which follow are intended to do no more than sketch the out-

lines of the problem: how has funding influenced research? Taken together, they suggest that we must be attentive to the policies implicit and explicit in funding decisions, since these policies shape our cultural world. The difficulty in understanding the larger problem of research funding is that in the United States we have so many sources of policy, and they are frequently in conflict with one another. There is no central control, for instance of medical research policy, despite the apparently disproportionate level of NIH expenditure. Liberals and pluralists that we are, most Americans applaud this phenomenon. The question for research on research, however, is what the specific consequences of pluralism have been. Does the "invisible hand" work better in science than political economy? Do we need a national research policy? How should such a policy be formulated? Should we continue to muddle along?

The Short and Simple Annals of the Poor: Foundation Funding for the Humanities, 1900–1983

KATHLEEN D. MCCARTHY

Consultant, National Endowment for the Humanities

In comparison with other, seemingly more compelling priorities, the humanities have traditionally been viewed as the poor relations on the grantmaking scene. Prior to 1930, when medical, scientific, and social science grantmaking had already become well established, private support for humanistic endeavors was still erratic and limited at best. The plight of the impoverished humanist improved somewhat with the development of area studies programs during the years bracketing the Second World War, and the subsequent creation of the National Endowment for the Humanities and the Andrew W. Mellon Foundation in the 1960s. However, most public and private grantmaking has been directed to fields beyond the humanist's realm. In times of economic stringency, federal retrenchment, and congressional inquiries, programs for the humanities are often among the first to feel the impact of public scrutiny.

The plight of the humanities is rooted in the nature of twentieth-century philanthropy. Modern foundations date from the Progressive Era at the turn of the century, a period steeped in growing reverence for scientific and technical expertise. Progressive reformers surveyed the landscape of American philanthropy and found it sadly wanting. In lieu of alms and advice, they urged philanthropists to base their programs on research, flexibility, a working partnership with professionals, and a commitment to fundamental social change. In effect, the

Progressive dictum argued that philanthropy should strike at the root causes of social ills, test programs, turn the most successful over to government, and move on to fresh fields. This was a paradigm far more suited to science and social reform than to the humanities. Unlike campaigns to control hookworm, increase crop yields, or build world-class universities in developing nations, programs in the humanities eluded quantifiable measurement, and rarely offered a substantive cure.¹

Nor did they readily lend themselves to the development of public policy. In some of the most incisive work yet written on the history of foundations, Barry Karl and Stanley Katz argue that private foundations assisted the government in the development and implementation of national public policies, thereby paving the way for the rise of the welfare state and the creation of a national managerial elite.² Although some programs, like the social science work done under Beardsley Ruml at the Laura Spelman Rockefeller Memorial, clearly reflected this model, many early humanities programs did not.

Of limited use in redressing fundamental social ills or fostering federal policymaking, humanities programs also bore the taint of elitism. Scholarly pursuits are lonely endeavors, which are often poorly understood. Although the work of a Perry Miller or a John Rawls may ultimately help recast the way in which Americans view themselves

and their society, the relevance of humanistic inquiry may be only faintly grasped by the average citizen. As a result, humanities grants make convenient fodder for foundation critics. During the Cox investigations of the 1950s, references to Communism were singled out from Langston Hughes's poems as an example of misplaced foundation support. Cox's successor, Texas Congressman Wright Patman, who spearheaded the investigations of the 1960s, had an unerring eye for unusual humanities grants. Seizing upon a Bollingen Foundation study of medieval tombstone decoration, Patman declared the foundation's mission to be "the development of trivia into nonsense."³ According to populists such as Patman, foundation money was funding diverted from the public till to private hands. Freed from the restraining influence of public scrutiny, philanthropoids were at liberty to spend the money according to their whims, even for the most arcane types of humanistic inquiry. The message from Capitol Hill was loud and clear. Humanities programs were subjective, poorly understood, little appreciated, and politically volatile. Unlike medical or agricultural work, the humanities were not safe.

Patman's gospel was anticipated by half a century in the initial programs of the Rockefeller Foundation and the Carnegie Institution. The early emphasis of Rockefeller's programs was molded by Baptist clergyman Frederick T. Gates, who had won Rockefeller's confidence, and with it the formidable task of systematizing the millionaire's far-flung philanthropic concerns. A shrewd man, Gates realized that the Rockefeller name could make the foundation a convenient lightning rod for public censure. In order to avoid potentially damaging controversy, he insistently steered the Foundation toward public health. As he explained, disease "is the main source of almost all other human ills, poverty, crime, ignorance, vice, inefficiency, hereditary taint, and many other evils."⁴ In the best Progressive tradition, effective health work offered con-

crete solutions to visible ills, and as such was likely to generate little criticism. Unlike the humanities, its findings were not as open to debate.

The trustees of the Carnegie Institution of Washington (1901) came to somewhat the same conclusion, but for different reasons. Despite its present scientific bent, during its infancy the institution tested, and ultimately rejected a number of humanities programs. In addition to a Department of Historical Research chaired by J. Franklin Jameson, the Institution also funded a number of early archaeological programs designed to professionalize activities in this field. Both ultimately proved unsatisfactory. Jameson's department succumbed amid growing criticism of its emphasis on producing research tools rather than primary research. The archaeological digs were phased out after the director, Robert Woodward, visited one of their projects at the American School of Classical Studies in Rome and found it to be "somewhat of the character of an international tea." As a result, he concluded, it "does not lead to research."⁵ Woodward's prejudices were further fortified in 1909, when the institution conducted a survey of thirty "distinguished authors" to determine what else might be done in the humanities. Not only did the respondents not agree about possible programs—they failed to concur about what the humanities were. Once again, the message was clear: the humanities were subjective, and therefore of less value than practical, technical, more readily definable skills.

Like the Carnegie Institution, the Rockefeller Foundation began its humanities grants in a classical vein, with an initial donation to the American Academy in Rome in 1913. The pace of funding accelerated somewhat under the auspices of Rockefeller's General Education Board in the 1920s, with assorted grants for art history, classics, and archaeological work, which remained the primary focus of humanities grants until 1932.

The initial chapter in foundation human-

ities support was marked by caution, skepticism, and open disdain on the part of many policymakers, all of which reflected the Progressive bias toward science and social action. Beginning in the mid-1920s, however, a number of disparate humanities programs began to appear, each cast in the image of its creators' personal concerns.

The Guggenheim Foundation, for example, was shaped in large measure by the family's attorney, a former Rhodes scholar. The Carnegie Corporation's campaign to increase public appreciation of the fine arts and art history was the pet project of Corporation president Frederick Keppel, who was himself the son of a prominent New York print dealer. Mary Conover Mellon's commitment to the Jungian aspects of the humanities was equally intense. She and her husband joined the ranks of the psychologist's disciples in the 1930s. A decade later, they created the Bollingen Foundation to make his and related works available to the American public. Bollingen's efforts were markedly humanistic from the outset, reflecting Mary's fascination with Jungian interpretations of myth, symbol, and ritual.

Rockefeller also reshaped its humanities program and placed it on a more permanent footing during these years. Skeptics like Gates had passed from the scene by the 1930s, ceding their places to internationalists such as Raymond B. Fosdick, who assumed the foundation's presidency in 1936. Fosdick and David Stevens, a former University of Chicago English professor who was brought in to head the humanities division in 1932, rechanneled the foundation's humanities grants from the classics into more contemporary concerns. A term as under-secretary of the League of Nations had convinced Fosdick that cross-cultural understanding was the key to world peace. Accordingly, the new program stressed language study, translations, area studies, and foreign library and archival development.⁶

The events of the Second World War combined with this new sensitivity to con-

temporary international concerns to raise the humanities from the vacuum of personal interest to the center of the policymaking arena. Wartime needs revealed a critical lack of trained analysts capable of interpreting the cultural implications of foreign affairs. At war's end, it became increasingly clear that Americans were equally misunderstood overseas, judged primarily in technological and materialistic terms. In order to redress these ills, Rockefeller, Carnegie, and later Ford initiated a variety of programs to foster the development of area studies centers in American universities and spread the gospel of U.S. culture abroad.

The increasingly intimate alliance between government, foundations, and the humanities is illustrated in the early work of the State Department's Division of Cultural Relations, and its Office of the Coordinator of Inter-American Affairs (CIAA), founded in 1938 and 1940, respectively. In one instance, Stevens, Keppel, and Henry Allen Moe of the Guggenheim Foundation were summoned by CIAA officials to distribute \$100,000 in Inter-American fellowships. Plans were also made to send University of Chicago anthropologist Robert Redfield to China to survey the state of Chinese social sciences, ostensibly with Social Science Research Council funding, but with Rockefeller Foundation and State Department backing as well. A 1941 Princeton conference formalized the foundation/government partnership, mapping joint initiatives for the popularization of Latin American studies in the United States.⁷

There was occasionally even a direct interchange of personnel. Charles Burton Fahs, for example, left his position as a Japanese desk officer at State for the Rockefeller Foundation, where he became the director of the humanities division in 1949. Under his guidance, the division embarked on a broadened program of linguistic study, internationally-oriented historical inquiry, translations, travel grants, and development

of foreign research centers and American studies programs.

Ford also developed humanities programs in conjunction with its international activities. The Gaither Report, which undergirded the Foundation's rise to national and international stature after 1949, emphasized the wartime need for intelligence data and the nation's lack of foreign cultural expertise as reasons for humanistic support. As the report explained, "our hopes for peace rest upon the deep understanding which will come from such knowledge, and not in the erection of Maginot lines, however formidable."⁸ In keeping with the report's recommendations, area studies, linguistics, and cultural preservation have remained among the staples of Ford's international work.

Policymaking considerations such as these coupled with growing public interest to lift the humanities to a more respectable level among foundation priorities after the war. Postwar Americans lived longer, worked shorter hours, and retired earlier than previous generations, and the democratization of leisure generated profound fears about how this additional free time would be spent. As the Gaither Report pointed out, medical and scientific advances were continually lengthening lives, but "to what purpose?" Like the arts, the humanities seemed ideally suited to fill what was termed "the abyss of leisure" in a constructive way.⁹

While popular attitudes and postwar imperatives gave added glamor and legitimacy to humanities support, the range of potential patrons was growing as well. Among the big foundations, Rockefeller, Carnegie, and Ford were joined by the Andrew W. Mellon Foundation in 1969. The 1960s also witnessed the creation of the National Endowment for the Humanities under the Johnson administration. Signed into law in 1965, the endowment lifted humanities patronage to a new scale. It differed from its private counterparts in several respects. First, there is the sheer size of its budget, which (despite the determined efforts of the current adminis-

tration) is still greater than that of the Ford Foundation. Backed by these sums, the range of the endowment's programmatic interests is broad enough to accommodate almost any humanities topic.¹⁰

The impact of the endowment's creation on private funding priorities is more difficult to assess than the scope of its activities. Three areas, in particular, have attracted donors' attention in the postwar decades: professional needs (including fellowships), interdisciplinary studies, and public outreach. Mellon, Rockefeller, Ford, and NEH funding for fellowships, research, training, archival and library development, and curricular reform brought the combined resources available for professional development and humanities research to an all time high in the decades after the Second World War. The Mellon Foundation's programs, for example, were marked by a variety of funding initiatives for university presses, faculty, and library development, scholarly editions, research centers, area studies, and university chairs. More recently, Mellon appropriated \$24 million for pre-doctoral fellowships designed to ensure that talented graduate students will continue to pursue humanities degrees.¹¹

Interdisciplinary projects have proven particularly attractive in recent years. The upheavals of the 1960s brought a variety of new topical specialties to the fore, including multi-disciplinary studies of women, blacks, cities, and ethnic enclaves. The campaign to rewrite history and literary trends from the bottom up received substantial backing from foundations such as Rockefeller and Ford, which viewed the new scholarship as a means of democratizing and enriching perceptions of the nation's cultural heritage. Sensitivity to these issues was enhanced, in part, by changes in personnel. Pressures generated by the women's movement and the civil rights campaign caused some foundations to reconsider the composition of their staffs, programs, and boards. As women and minorities began to appear in policy-making

positions, new programs were devised which reflected their concerns, changes which helped to shape the course of humanities grantmaking. The Rockefeller Foundation, for example, helped to launch the Berkshire Conferences, the first graduate women's studies program, and the collection and dissemination of the writings of noted feminists. Similarly, the Ford Foundation poured millions of dollars into the development of Afro-American, Mexican-American, Puerto-Rican, and American Indian studies during the early 1970s.¹²

At the other end of the spectrum, a growing measure of public and private support has been funneled into public outreach activities such as television programming, museum exhibits, and local activities. Moreover, the Perkins Commission on language study, the Rockefeller-funded Humanities Commission report (1980), and recent studies by the Carnegie Foundation for the Advancement of Teaching have helped to focus attention on humanities courses in the nation's elementary and secondary schools, which also promises to attract a broad mix of public and private support.

Yet despite the growing popularity of humanistic endeavors, there is still something to be said for the Gaither report's conclusion that the "history of philanthropic support for the humanities may bear the subtitle, 'The Short and Simple Annals of the Poor'."¹³ Only a small minority of the nation's estimated 22,000 foundations regularly support the humanities as a specific programmatic goal. Estimates from the year 1982 placed individual, corporate, and foundation donations to the arts and humanities at \$5 billion, or about 8.2 percent of American largesse. However, most of these donations were for the performing arts rather than the humanities, which tend to be most amply funded within the educational arena. A more modest study of grant-making patterns among 214 private and corporate foundations between 1977 and 1979 estimated that slightly over 8 percent of their

grants to colleges and universities were specifically allocated for humanistic ends.¹⁴

Corporate humanities support has focused primarily on highly visible projects, such as television programming, exhibitions, and gifts to local historical societies. Programs with a more scholarly bent, such as that of the Exxon Education Foundation, are clearly the exception rather than the rule. Corporate giving, which is the fastest growing sector of American philanthropy, is therefore also the least promising for the humanities.

Although some private foundations generously supported these activities, their numbers are few, and their humanities contributions are generally dwarfed by their donations to other fields. Estimates place the Ford Foundation's expenditures for humanities scholarship at approximately \$75 million between 1950 and 1977, or about 1.6 percent of the foundation's total expenditures during these years.¹⁵ The Rockefeller Foundation has steadily whittled its humanities allocations. Prior to 1962, the foundation's expenditures for these fields totaled almost 20 percent of its budget. After the humanities and social sciences divisions were merged in that year, humanities grants dropped to 8 percent of the total. Although the division was reinstituted in 1974, its budget dropped again, to 6 percent. As one observer explained, "the freewheeling days when the Rockefeller Foundation was funding translation projects, indigenous drama in Nigeria, (and) creative writing in Mexico" had come to an end.¹⁶

There are problems in the public realm as well. NEH's budget has grown steadily since it began with a scant \$2 million in 1965, and has proven remarkably resistant to Reaganomics. Indeed, the 1984 appropriation was \$140 million, or approximately the same level it attained under the Carter administration. However, recent debates have clearly demonstrated that many still view the humanities as luxuries in times of economic duress. For better or worse, public funding is always subject to political vicissitudes.

The humanities won whatever legitimacy they have achieved within the funding community through a slow and arduous route. Regarded with condescension during the heyday of Progressive social activism, grant-making in these fields was initially cast in a classical, and often highly personal mold. The need to bolster wartime research capabilities brought these fields closer to the center of the policymaking arena, drawing widespread foundation support for the first time. After a laggardly start, wartime im-

peratives finally knit the humanities into the traditional foundation/governmental policymaking alliance. After the war, the democratization of leisure and the need to enhance the nation's cultural image abroad gave the humanities added stature. Yet despite their growing appeal as objects of public and private largesse, the humanities continue to play a tenuous role on the grantmaking scene, eclipsed, as always, by pragmatic biases and changing political and social concerns.

NOTES

1. For a fuller discussion of changing notions of philanthropy in the Progressive era, see Kathleen D. McCarthy, *Noblesse Oblige: Charity and Cultural Philanthropy in Chicago, 1849-1929* (Chicago: University of Chicago Press, 1982), 99-107.
2. Barry D. Karl and Stanley N. Katz, "The American Philanthropic Foundation and the Public Sphere, 1890-1930," *Minderva* 19 #2 (Summer, 1981): 236-270; Barry D. Karl, "Philanthropy, Policy Planning and the Bureaucratization of the Democratic Ideal," *Daedalus* 105 #4 (Fall, 1976): 129-149.
3. Quoted in William McGuire, *Bollingen: An Adventure in Collecting the Past* (Princeton: Princeton University Press, 1982), 289.
4. Frederick T. Gates, "Philanthropy and Civilization," Paper presented to the Rockefeller Foundation Trustees (1923), quoted in John Etting, *The Germ of Laziness: Rockefeller Philanthropy and Public Health in the South* (Cambridge: Harvard University Press, 1981), 202.
5. Carnegie Institution of Washington, *Trustee Minutes*, 13 December 1912, pp. 336-337, quoted in Nathan Reingold, "National Science Policy in a Private Foundation: The Carnegie Institution of Washington," in A. Oleson and J. Voss, editors, *The Organization of Knowledge in Modern America* (Baltimore: Johns Hopkins University Press, 1979), 331.
6. For a more detailed account of the division's activities, see Joel Colton and Malcolm L. Richardson, "The Humanities and the Well-Being of Mankind: A Half-Century of the Humanities at the Rockefeller Foundation," unpublished MS (New York: The Rockefeller Foundation, 1982).
7. Frank A. Ninkovich, *The Diplomacy of Ideas: U.S. Foreign Policy and Cultural Relations, 1938-1950* (London: Cambridge University Press, 1981), 37, 59, 41.
8. "Report of the Study of the Ford Foundation on Policy and Program," Volume II: "Report of the Humanities Division," unpublished MS (New York: The Ford Foundation, 1949), 14.
9. *Ibid.*, p. 17; *Report of the Commission on the Humanities* (New York: American Council of Learned Societies, 1964), 5.
10. In 1983, NEH grants were made for elementary, secondary, and higher education programs in the humanities, as well as to individual institutions, and for consultative and implementation educational projects. Fellowships were awarded to independent scholars, college teachers, centers for advanced study, and for summer stipends. Basic, regional, and intercultural research was supported for larger programs, as were research conferences, and the development of research tools, editions, translations, humanities publications, archival and conservation projects. Humanities programs were also undertaken in each of the fifty states; and a wide array of outreach activities were sponsored under General Programs, including media and museum work.
11. For a more detailed account of these programs, see "Review of the Decade: 1969-1979," *Report of the Andrew W. Mellon Foundation* (1979), 6-27.
12. See, for example, "Widening the Mainstream of American Culture: A Ford Foundation Report on Ethnic Studies" (New York: The Ford Foundation, 1978).
13. "Report of the Study of the Ford Foundation on Policy and Program," 23.
14. *Giving USA* (New York: American Association of Fund-Raising Counsel, Inc., 1983), p. 7; "Humanities Support by Selected American Foundations, 1977-1979," unpublished report, Office of Planning and Policy Assessment, National Endowment for the Humanities (Washington: NEH, 1983), p. 13.
15. Richard Magat, *The Ford Foundation at Work: Philanthropic Choices, Methods and Styles* (New York: Plenum Press, 1979), 179. However, it should be pointed out that this figure would be significantly higher if area studies, which blend the humanities and social sciences, were added.
16. Malcolm L. Richardson, "The Humanities and International Understanding: Some Reflections on the Experience at the Rockefeller Foundation," Paper delivered at a conference on "International Philanthropy and the Humanities," Bellagio, Italy (November 16-20, 1981) 13.

Philanthropy and Science

ROBERT E. KOHLER

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Since about 1930, individual research grants have been the most common form of philanthropic support for university science. In the post-World War II period, they became the principal vehicle for support by federal agencies such as the National Science Foundation and the National Institutes of Health. Individual research grants now serve a broad range of functions in the academic science community, including training of scientists and particular mission researches. The ever-increasing overhead on grants supports the tenure system of "publish or perish" by making resources available for routine research on a vast scale. We see all this as quite normal and appropriate to the needs of science. However, historians of science looking back from the twenty-first century may think it a somewhat curious arrangement. To get perspective on our own habits and assumptions, it may help to look at the origins of the research grant system among private foundations in the 1920s and 1930s.

Efforts to link private philanthropy and university science up to 1920 relied on individual research grants, with very mixed results. As a mechanism for linking donor and client institutions, such grants did not serve philanthropic reform missions and intruded on prerogatives of private science. Philanthropists found it difficult to manage large numbers of individual grants. They feared that their lack of technical expertise would force them into a passive role of supporting routine research by individuals who were primarily teachers and who selected

research problems by just following their noses. The Carnegie Institution of Washington had the only large extramural grant program prior to 1920, and the experience of managing it permanently soured the institution's president, Robert S. Woodward, on academic scientists. Voluntary health associations and the large endowed foundations, most notably the Rockefeller Foundation, deliberately steered clear of scientific research, leaving it to the endowed research institutes.

In the 1920s, a few large foundations began to sponsor research in the natural and social sciences on a large scale, most notably the Rockefeller group. They did not undertake large programs of individual research grants, however, but relied on substantial block grants to groups of scientists or to departments in a few leading centers of research and graduate training. These group research grants were sometimes buttressed by grants for facilities, research endowment and graduate fellowships. The aims of these grants were to encourage a more organized, cooperative style of research, and to build regional or national centers of training scientific manpower.

These programs constituted a deliberate and systematic experiment in community development, on a rather grand scale. The Laura Spelman Rockefeller Memorial, led by Beardsley Ruml, dispensed \$20 million to centers of research and training in the social sciences. Other Rockefeller Boards undertook investment on a like scale in the natural sciences. The International Education Board

and the General Education Board, under Wickliffe Rose, invested \$20 million or so in astronomy, physics, chemistry, and biology. In 1919 the Carnegie Corporation gave \$5 million to the National Research Council, to support their activities in community development. Acting as a kind of trade association for science, the NRC developed markets for Ph.D.'s in industry, created communication networks, undertook public relations campaigns and encouraged cooperative research projects. The Carnegie Corporation gave an additional \$8 million or so to a variety of institutional projects, some managed by the NRC. The Rockefeller Foundation invested a comparable sum in the famous system of graduate and research fellowships administered by the NRC. These fellowships played a major role in enabling American scientists to participate as equals with Europeans in virtually any field of science. All in all, foundations invested some \$100 million in science between the World Wars, mainly in universities—a massive infusion of growth capital.

The idea behind these large programs was a conception of "community development." The phrase was not used by philanthropists, but the idea captures the spirit of philanthropic activities in public health, education, and social welfare generally. My point is that the large foundations extended their traditional interests in community health and social service to the community of science, and applied the same strategies of organization and demonstration. They saw their special mission as improving the communal organization and infrastructure of science. Foundations were interested in investing in the careers of young persons who would create future elites of science, imbued with a sense of the cultural and economic roles of science in society. They were interested in improving communication networks, and in building demonstration centers of training and research, just as voluntary agencies had organized community demonstrations in health

or cultural uplift. These centers in turn stimulated other institutions to adopt similar practices of training and research, and attracted financial support from local sources.

Wickliffe Rose concentrated IEB funds in a relatively small number of centers, with the deliberate intention that they would inspire and uplift all of academic science. Beardsley Ruml's program in the social sciences at the Laura Spelman Rockefeller Memorial displayed the same underlying strategy of developing regional centers of training and manpower supply and best-science practices. Rockefeller and Carnegie support of the National Research Council was a conscious investment in the nation's scientific community.

Philanthropies did undertake some individual research grant programs in the 1920s. However, they were plagued by the same problems that had limited such programs before World War I. For example, a program of grants in human biology, initiated by Edwin Embree in 1924, never became a coherent scheme and was terminated by the Rockefeller Foundation's Board in 1927. Scattered small grants by the Carnegie Corporation were phased out at about the same time. The Carnegie Institution's new president, John C. Merriam, hoped that the institution's extramural grants might be a means of developing strategic research problem areas, but they proved difficult to mold into a coherent program. Professional societies continued small grant programs but could not attract philanthropic funds. Such societies were not visibly devoted to public service, and support of individuals' research did not square with the foundations' traditional communitarian, service ideals.

Endowed foundations and voluntary health agencies grew out of Progressive era charity organization societies, denominational education reform agencies, and agricultural and public health demonstrations. Philanthropists' training and experience were in social organization and institution-

building. Their preference for similar strategies when they turned to science in the 1920s was a natural extension of their historical missions. Philanthropists applied their expertise as institution builders to institutions of science, at a moment in history when science enjoyed unusual visibility and prestige, and seemed the key to post-war recovery and progress.

The results were perhaps the most effective of any period in the history of science patronage. International centers of science appeared in America for the first time. The ability of American universities to compete as equals with older centers in Europe was in part the result of foundations' consciousness-raising and their strategic investments in facilities for research and training, fellowships and communication networks. Even large-scale programs of individual research grants could probably not have had the same effect as concentrating resources in relatively few centers, and using research as a vehicle for training a new generation.

This system began to change around 1930, and by 1940 individual research grants had become the principal form of private support of academic science. Accompanying this change in strategy was a marked shift in philanthropic programs from natural science to biomedical science. The Rockefeller Foundation made a deliberate decision in 1928 to give up the large-scale block grants of the IEB and LSRM, and concentrate on research grants in experimental biology and "psychobiology." This change was engineered by Raymond Fosdick, RF trustee and chief adviser of the Rockefeller family. Fosdick conceived this idea in the last two weeks of October 1927, following a conference with Beardsley Ruml and Edwin Embree. Fosdick shared his contemporaries' faith in science as a vehicle of cultural uplift, but internal politics were perhaps a more important reason for adopting biological research as the Foundation's central mission.

Fosdick headed a committee whose charge

was to reorganize the five Rockefeller Boards and unite the feuding, competitive, and expansive baronies. The advancement of scientific knowledge resolved these internal organizational problems. Research was a limited commitment: more manageable financially than general education, public health demonstrations, or medical education; less well-worked by philanthropists, and less likely to engender operating bureaucracies. Collegiate and medical education and public health had far outstripped the fixed resources of endowed philanthropies. Programs of individual research grants in selected areas of the biomedical sciences appealed to philanthropists. It was investment in constructive social action; it furthered traditional philanthropic aims in a new and affordable way. Fosdick's personal activities as a reformer also played a role in his choice of "psychobiology." Long active in movements to control prostitution and venereal disease, reform police systems, and improve mental health care, Fosdick simply shifted his strategy from social action to advancement of knowledge of human health and behavior.

Other medical foundations shifted from delivering information and services in the field to advancing biomedical knowledge in the laboratory. For most, however, the change was gradual and evolutionary—the Commonwealth Fund for example. The Commonwealth Fund had deliberately decided in 1921 not to invest in medical research, but rather to concentrate on community demonstration projects in health care delivery and child welfare. A few grants for research were made to institutions like the National Committee on Mental Hygiene and the New York Neurological Institute, but these were minor adjuncts to the fund's large programs in community health. Around 1927, however, the fund's records show a gradual increase in requests for research grants, initially in areas related to children's diseases. Gradually, research became a legitimate part of an integrated health pro-

gram. One grant led to another: interest in rheumatic fever in children, for example, led to a program of grants for research on heart physiology. A program of grants in radiation biology was an offshoot of previous work on standardizing x-ray technology in small hospitals. As word of these grants got around the clinical research community, the number of applications increased, and the fund was drawn further in. For a decade, the research grants were more-or-less ad hoc. In 1937, however, Edward Harkness gave the fund an endowment of \$5 million to capitalize the grants program, and medical research had become a philanthropic end in itself, not just an adjunct to other ends. By 1940 the Commonwealth Fund was spending half a million dollars a year on research, plus supplementary fellowships and capital grants for facilities. Numerous other medical philanthropies also got into the research grant business, most of them on a small scale. In contrast to the Rockefeller Foundation's concentrated development of psychiatry and molecular biology, most medical foundations were eclectic and dispersed over a wide array of biomedical specialties.

Why, then, did foundation leaders turn from community development to individual research? The chief reasons, I think, are history and economics. Medical philanthropies in the 1920s had invested vast sums of money in medical schools, medical fellowships, and hospitals. By 1930 private philanthropies were no longer able to make an impact on the system with their fixed income. They needed a more limited mission, and research seemed timely and fitting. Research was cheaper than large capital grants; it made use of facilities that had been built, manpower trained, and networks cultivated in the preceding decade. The Depression made it all the more imperative to keep medical investigators working. In the "science holiday" years, medical research was, in a sense, a surrogate for industrial R&D, helping people rather than putting them out

of work. Aid to individuals thus came back into philanthropic fashion after thirty years of concentration on institution building. Hundreds of medical foundations followed the leaders into research in the 1940s and 1950s, doling out their modest funds to worthy supplicants.

The record of accomplishment of individual grant programs in the 1930s is mixed. The great success story is, of course, Warren Weaver's program in "molecular biology." Weaver did not invent the field, but he certainly did a great deal to make a group of research specialties into a fashionable scientific movement. Weaver's role as a patron, indeed as a partner, in the scientific enterprise is well known. Weaver was a rather special case, however. He had scientific judgment as well as real organizational genius. He developed the role of a manager of science in a way that few others were able to do. Elsewhere in the Rockefeller Foundation, Alan Gregg's effort to develop a scientific basis for psychiatry was a good deal less successful. No other major foundations took up science as their mission, in part, I suspect, because of the real problems of organizing and managing individual grant programs effectively. Natural scientists were obliged to bootleg their projects as medical research. Some, like Ernest Lawrence, did so with great success, but bootlegging also encouraged opportunism. Few medical foundations concentrated resources in a particular area of research. Most were eclectic in the extreme, and though all the facts are not in, it looks as if they may have had little constructive effect on the medical research community beyond making it bigger.

All this increases my respect for the ideals and accomplishment of the community developers—the Rumls and the Roses. It also leads me to question our own reliance on individual research grants as a way of supporting scientific communities. There has been little research on the effects of this support system on the organization and practice

of science. The system of peer review has been intensively and repeatedly scrutinized for signs of corruption, and none has been found. As a mechanism for allocating resources, peer review of individual grants works very well. The more important question, however, has not been asked: has reliance on such grants strengthened the community structure and mores of science? Here we have as yet only anecdotal evidence. I recently asked the chairman of a leading department of chemistry what effect he thought the individual research grant had had on his specialty, organic chemistry. He thought it had enabled individuals to pursue their own problems in isolation from everyone else. The effect, in short, was to atomize science and atrophy the collective, cooperative functions which are so essential to the continuing vitality of science. As a former organic chemist myself, I was struck by the truth of that observation.

If the support system is indeed eroding the vital communal character of science, then there are serious problems in store. We should, perhaps, think less about short-term output and more about long-term development of scientific communities. Com-

munity development was once a most effective strategy for science patronage, and it seems to me that some of its principles may be relevant to us now. The partnership between philanthropic or government patrons and scientific researchers might well be more reciprocal, with program officers exercising a more active role in identifying priorities, not as bureaucrats and accountants, but as partners. Patrons might encourage communication and cooperation on problems of large significance by making more use of grants for group projects, or by developing centers in which research is integrated with innovative training or social services. Science is an inherently communal activity, and its vitality depends upon an intensely interactive community. Someone needs to make it his business to look after these community functions. Philanthropists of the 1920s took on this role. Their aim was to develop institutional contexts that encouraged creative research by individuals and small groups. That purpose seems no less relevant to us today. The achievements of Beardsley Ruml, Wickliffe Rose, and Warren Weaver offer lessons relevant to a science policy for today and tomorrow.

Philanthropy and the Social Sciences*

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I have deliberately entitled my remarks "Philanthropy and the Social Sciences" to emphasize the rather peculiar role played by American social science as the link between the tradition of philanthropy and the emergence of the modern foundation. American social science had, in many significant respects, developed out of the social reform enthusiasms of the Jacksonians, enthusiasms that emphasized the utility of scientific research and the promises such research held for the utopian future. Elsewhere in the western world modern social science remained far more closely tied to the philosophical speculations about perception, psychology, human biology, and the various forms of rebellion against religious institutions and beliefs that had been part of the scientific revolution.

Since American culture was, in part at least, a product of the English Protestant rebellion against some of those same institutions and beliefs, American social science retained its attachment to the Victorian moral commitments that were far more characteristic of the relation between philosophy and social policy in Britain than on the continent. The pessimism about human perfectibility that had always been an element in European social thought had never taken root in the New World. The modern American foundation and American social science thus grew from similar philosophical roots, which makes it possible to argue that our social sciences, even more than either the natural

sciences or the arts, were given their special character for much of this century by the common values they shared with those who created and managed the first foundations.

The relation between private philanthropy and the social sciences in the years since 1933 provides contrasts and comparisons with the earlier, formative years that are remarkably and fascinatingly complex. The creators of the nation's first foundations appeared to agree with the traditional relation between philanthropy and government enunciated so clearly by President Franklin Pierce when he vetoed an effort to establish a national program for mental institutions. His statement that government intervention would dry up the wellsprings of charity turned out to be considerably more immortal than his presidency. Indeed, to the extent that American philanthropy's interest in the emerging social sciences of the Progressive era parallels the arguments that favored government intervention in social policy in other parts of the western world, it shared the view that the serious dislocations visited upon the working populations of industrial society were a responsibility society as a whole would have to face. Such arguments served as the base for the surge of socialist debate that had also been part of the period and that threatened the economic and political values of the new American philanthropists. They posed themselves and their new foundations as alternatives to government intervention.

By the 1920s the relation between social science and philanthropy had come to include a somewhat more sympathetic view

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of government, a sympathy generated in part by working relationships established in the First World War. While one could argue that the depth of the sympathy depended on the brevity of the association, the experience nonetheless seemed to spur an enthusiasm for what was called "voluntarism," by which proponents meant, now, not the activity that once took place in the absence of government, but an activity in which government might also be engaged. The partnership between public and private endeavors, while in some senses an old one habitually part of the way local communities governed themselves, now became a new kind of systematic ideal.

It is important to point out that the institutions for establishing that system had been organized during the 1920s by a coalition of academics and younger foundation executives who seemed to see the wartime experience in agencies like the War Industries Board, the Committee on Public Information and the Inquiry as offering a new range of options for public service. The creation of the Social Science Research Council, the National Bureau of Economic Research, the Brookings Institution, and Howard Odum's social science research group at Chapel Hill were all very different but also importantly similar responses to a collection of needs. While their agreement on the character of social science and its most appropriate form of application to American social conditions was extremely limited, they were all engaged in the same basic search for definition. For the older foundations and the newer philanthropists looking to the foundation framework as their answer to the problem of managing their wealth responsibly, the new organizations promised a more direct access to social science research than their previous support of academic institutions, university institutes, and the like had allowed. The nagging issue of support for individuals versus support for institutions could be begged by considering the new or-

ganizations as new types of institution, but institutions now controlled by research academicians themselves rather than by traditional university administrators. For the academicians, the new organizations represented a freedom from institutional domination that promised direct control of the research process.

Herbert Hoover's use of the system, both as Secretary of Commerce and as president, was extraordinary. But it also reflected the utopian ideals he shared with the community of American academics. Chief among those ideals was the belief that social science research, adequately funded from private sources, could meet the needs of government for an effective system for designing the social programs required by an industrial society. Hoover's conviction that the programs themselves would be privately funded is what tied him to the tradition established by Franklin Pierce; but it by no means separated him as much from the New Deal as either his critics or his defenders have sometimes been inclined to insist. He not only continued to call on private philanthropy and policy research groups to help cope with the Depression but asked government agencies to survey the nation's public and private organizations to document systematic plans for everything from public works construction to care for children, the aged, and the indigent.

At least part of his problem lay in his overestimation of the nature and the quality of social science research and public policy planning, an overestimation which was aided and abetted by some of the social scientists themselves. Convinced that answers to society's most serious social problems lay within the reach of scientific research, American social scientists promised goals that did not seem to them unrealistic. The reform thrust of the Progressive era, plus the seemingly vast infusions of money represented by the creation of the first foundations, in the aftermath of the establish-

ment of research universities and institutes had given them reason to believe that great improvement, if not Utopia itself, lay ahead.

The experience with economics during the war years had impressed business leaders like Hoover who were now willing to look to economists as scientific advisers rather than radical critics; but not all areas of social science were equally attractive. Political Science was dangerously close to politics until thoughtful progressives began to talk of Public Administration. Sociology reflected a similar ambivalence. The one area in which technical knowledge had made the greatest advance in the war years, labor statistics, was not always appreciated by Hoover, who, like many of his contemporaries, mistrusted statistical sampling, particularly when it revealed greater unemployment than he found politically useful. The fact that that mistrust also included Roosevelt's views, suggests that social scientists who are the bearers of bad tidings suffer the fate of all such ambassadors.

The role of social science in the New Deal has received sufficient attention by historians to make reiteration here unnecessary. The question of whether or not it was useful and used has tended to obscure the question of who funded it and why. Roosevelt's use of an ad hoc collection of separate agencies in various departments of government as sources of social science advice had necessarily to be governed by methods of hiding that use from suspicious congressmen who associated social science with everything from radicalism to efforts by Rockefeller financed business elites to take over government. Again, organizations with neutral names like the Public Administration Clearing House and the Institute for Public Administration joined the SSRC, NBER, and Brookings in channeling private money into research projects that, it was hoped, would ultimately provide government with basic research for policy programs. The National

Resources Planning Board was the center of a New Deal effort to institutionalize that public-private relationship by mixing government funding for government specialists with the employment of private specialists whose funding came from traditional and new philanthropic organizations.

Although the entire relationship can be traced back well into the Progressive era, the New Deal seemed to stamp it as dangerous, particularly during the war years when Congress hectically set about abolishing all of the New Deal agencies. The beginning of a populist hysteria which labeled social science as a dangerous brand of social control goes well into the late New Deal years, certainly; but even Congress finally acknowledged some kind of fundamental necessity when, in the Employment Act of 1946, it created the Council of Economic Advisors. The debates spelled out congressional insistence, however, that the members of the council be practical businessmen, not economists, and amendments specifically sought ways of excluding anyone who had ever worked for the NRPB. The effort, in fact came to nought. Former NRPB specialists had helped design the Employment Act itself, and the CEA took over many of the working programs of the NRPB as well as, ultimately, some of the staff.

The postwar years witnessed an interesting and important transformation, not only as a result of the emergence of new foundations like Ford, but in the transformation of some of the interests of the older foundations. Two effects of the war years can be cited briefly to indicate at least the direction of that transformation. The first is the migration of European refugees who brought significant transfusions of European social thought to American academia, not always happily, to be sure, but with a resulting internationalization of American social thought on a massive scale. The other was the result of America's newly perceived role as the

leader of the free world, the interest in underdeveloped areas, the complex racial relationships that marked the new upheavals in India and Africa, and of course the growing conflict with the Soviet Union.

The intense hostility that forced the hiding of philanthropic involvement in public policy formulation and social research in the New Deal became virtually systematized as a process in the two decades after World War II as foundations not only funded foreign research interests of American social scientists but provided the federal government with policy-making personnel that extended even up to the office of Secretary of State. Foundation presidents could look to possible cabinet positions as a way of utilizing their expertise and influence in the national interest.

Although reasonable quantities of ink have been devoted to discussing the Central Intelligence Agency's provision of funds to foundations for various programs the agency believed to be important to American interests abroad, less has been devoted to the reasons that underlay such funding: the unwillingness of Congress to provide that kind of research support and the eagerness with which Congress launched attacks on foundations for their supposed radical interests. Many of the programs initially supported by the CIA reflected the needs of an American academia urgently requiring access to intellectual life abroad, particularly in Eastern Europe, an access Congress looked on with suspicion. The era is too complex for simple analyses.

By 1960 a seemingly happy network had evolved that reached into the White House, where it had been welcomed or endured off and on for years, and in the very halls of Congress. While critics of the Eisenhower administration are able to remember his farewell warnings about the power of the military-industrial complex, some of them tend to forget that he also included scientists and academicians as a new and potentially

troublesome breed of influentials. The National Defense Education Act of 1957 had, almost by accident, extended federal funding for science and math to virtually every area of academic interest. Cold War competition had already served as the motivating language behind the Smith case of 1953 that empowered corporations to give to private educational institutions to serve the larger national interest rather than the traditional corporate interest to which they had previously been restricted. The perceived intellectual threat from the Soviet Union in every area from physics and engineering to ballet, plus the inexorable demographic fact of the maturing baby boom had combined to require more research degrees. Foundations escalated their funding of social science training programs and with them, a lot of social science research. Today, of course, we can argue the folly of the expansion that followed, but that is itself a kind of folly. It might be akin to insisting that the periods of efflorescence that produce great epochs in art—like renaissance Italy or Elizabethan England—are somehow wrong because it took too long for anyone to recognize the objective quality of the work as distinct from the reasons for paying the artists to produce it. The period between 1957 and 1977 was a remarkable one in American social science, whatever one says about the motives used to justify its funding.

In any case, the period from 1964 on is a distinct period in American philanthropy and its relation to social science research. As the federal government moved into greater funding of social science research, foundations began to turn their interests toward the more obviously practical issue of social policy closer to home. The Civil Rights Movement was certainly part of that turning, but not the only part. By 1970 major questions about the relation between social policy and social science were being raised by a whole range of intelligent observers who were looking at

the consequences of social programs based on social science research and questioning their effectiveness.

Coupled with such questioning was the economic crisis that began with the oil crunch and has continued into the present. While it is difficult at this range to talk in historically realistic or precise terms, one can nonetheless see a set of doubts about the sciences of social policy-making that are more serious and more widespread, perhaps, than at any point in the last century. In virtually every one of the social sciences there has been a period of rethinking which has led at times toward examinations of the recent history of the discipline as well as toward internecine disputes about the validity of the range of approaches to analysis available to the discipline. Some of these disputes have begun to reflect ideological divisions which appear to be bringing American social scientists closer than they have ever been to the ideological differentiations which have marked social science in other parts of the world. The openness of the disputes must be maintained if the tradition of pluralist debate is to continue.

Where philanthropy is concerned, the problem has two prongs to it which I think can be pointed out, even if we cannot claim to understand them. First, the dispute which eventuated in the Tax Act of 1969 was based on two issues, one so obvious that it obscures the other. Foundations had been supporting the Civil Rights Movement, and specifically the voter registration activities which were central to that movement and obnoxious to many American political leaders. Less obvious, however, is the fact that foundations had helped government programs in virtually every area of American life from 1964 on. Programs in music and the arts had laid part of the base of the government foundations in the arts and the humanities. The interactions between private programs and government programs, their interests, their

personnel, their advisory systems in the academic community had helped stimulate a sense of an elite leadership guiding policy.

Whether or not it was true, the perception that began in fact with the Kennedy presidency reached a kind of dramatic climax with the appearance of McGeorge Bundy before the congressional committee investigating foundations. Representing the Ford Foundation which he then headed, he also came to embody, for friend and foe alike, the hubris of the American academic community, the foundation managers, and the best and the brightest of the generation that had emerged out of World War II. It was one of those moments out of which great dramas are made—or ought to be made.

While all of the various indications of decline in the funding of social science over the last decade are still open to interpretation, several points seem to me to be important for whatever conclusions we ultimately decide to reach.

First, the relation between philanthropy and social science has always depended on the funder's sense of the utility of social science to whatever reform interests were currently at the top of a general list of social needs.

Second, American social scientists have always shown a willingness to respond to that same list, not primarily because the money was there, but because they shared the same commonality of concern.

Third, the entry of government funding is not as easy to explain as we have sometimes been inclined to think. The emergence of administrative bureaucracies in government shares with the history of modern philanthropy a role in the American understanding of social management and democratic individuality which makes it encumbent upon us to trace their relationship. It has been a fruitful one when it has been fruitful, and a troubling one, indeed, when it has been troubling.

The modern transformation I have been attempting to outline is important, not simply as a transformation, but as a way of seeing those central elements that brought modern American philanthropy and American social science into their present form. For American philanthropy and American social science share a heritage of interrelationship which is not easy to understand. That understanding has been complicated even further in recent years by the growth of corporate philanthropy with its special interests in the state of the national economy, the quality of the work force, and the fundamental conditions of American social life. The relation of those interests to the tradition of philanthropy is only beginning to be examined; and the relation to the social sciences as sciences of

society in general rather than sciences of consumer interests and needs is only on the threshold of a new and possibly troubling formulation. One must also point to the development of philanthropic interest in supporting programs and ideas designed to counter programs and ideas funded by earlier philanthropic interests. The ideological splits which have always been part of the debate over the role of foundations in the creation of social policy research are now being institutionalized within the foundation community itself. Exactly what this will mean is not clear, but that it will be interesting to historians of philanthropy certainly is. We need to be prepared to study it as carefully and, one hopes, as dispassionately as we have tried to study the previous era.

The Paradox of Campaign Appeals and Election Mandates*

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A presidential election is such a vast mosaic of issues, people, and events that it almost forces the media to fall back on the simplest interpretations. The sweep and complexity of the mosaic lead to a kind of pack journalism, with one commentator following another in looking at a few tessera tile that are thought to be important or in searching for patterns in the same small but modish part of the mosaic—to the dismay of the academic analyst.

Therefore your Society's request to put the 1984 election in a broader context was an offer I could not refuse. I will start with what the surveys found about the partisanship of individual voters as the survey methodology swept across political science a generation ago, develop from this some ways of looking at the behavior of the electorate as a whole, note the sources of a profoundly important change that has marked recent presidential elections, including the election we have just seen, and say a word about the way the changing role of political issues has complicated the problem of governing and the institution of the presidency itself.

There is a touch of irony in my drawing on the results of interview studies—indeed, in having once earned my living from research of this kind—since an early encounter with this methodology gave me a lifelong sense of its frailties. My experience of survey

research began at the age of 16, when I became a respondent in Dr. Alfred Kinsey's study of sexual behavior in the human male. In later years my children missed few opportunities to take Dr. Kinsey's book down from the shelf, open it to one of his more vivid tables, and decide which row and column daddy must be in—with or without the advice of their mother. My own impressions of this interview were summarized by a Kinsey respondent who is quoted by the philosopher of science, Abraham Kaplan, in his book on *The Conduct of Inquiry*. The respondent said that "no matter what answer I gave, the next question was always 'how many times?'"

Let me begin with certain of the findings about individual voters. Despite the civics-text vision of the citizen as listening to the appeals of the candidates with an open mind and reaching a choice based on the issues, it was immediately clear from the survey studies that millions of voters have what is essentially a "standing decision"—a long-lasting party attachment, to which they adhere with no more than occasional lapses over a number of elections.

It was also clear that millions of voters first developed these decisions in the childhood home, in response to partisan influences, often implicit, that are well illustrated by an exchange with one of my daughters when she was in the first grade in Ann Arbor, Michigan. That was the year George Romney was a candidate for governor of Michigan.

* Read 9 November 1984.

Some may remember Romney only as the presidential candidate who dropped through the trap door when he confessed to having been "brainwashed" on a trip to Vietnam. But in 1962 he was an attractive, youngish, square-jawed candidate for governor. When my six-year-old girl was heard to remark at the dinner table that Romney looked pretty good to her and her grade school friends, I said, "But don't you know what George Romney is?" She looked a little uneasy and said, "No, daddy, what?" And I said, "Why, he's a *Republican*!" And she said, "No!"

The survey studies also showed that the psychological rewards of holding these standing party ties reinforce them in millions of voters as the years go by. The ethic of participation—a sense of citizen duty—obliges many people to act toward a remote and complex realm of affairs, where they would need vastly more time and information to sort out the issues in any full sense. Here again, the complexity of the mosaic induces the simplest response, and many voters limit the costs of reaching a decision by falling back on their party ties. Each time they reap this benefit the tie is strengthened. But these ties are also reinforced over a series of elections by external influences—as consistent partisan information flows to the individual voter from the neighborhood and school, the workplace, and the partisan press.

These facts about the individual voter, when summed across the electorate as a whole, highlighted two key phenomena. One was the movement of political generations through the electorate. The youngest part of the electorate is the most impressionable, and the voting studies showed how clearly the cohort entering the electorate reflects the political tides that are dominant at the time. Thus, despite the reams of newspaper copy about the natural liberalism or radicalism of youth, the youngest voters were on balance Republican in the Eisenhower elections, just as they have on balance

been Republican in the Reagan elections. But the youngest cohort is never so plastic again and tends to hold to these early ties as they move upward through the age structure. Thus, despite the reams of newspaper copy about the natural conservatism of the aged, the oldest cohort in the electorate was for much of this year's campaign shown by the polls to be on balance *Democratic*, reflecting the party loyalties they developed during the Great Depression and Roosevelt New Deal. The secret to understanding these patterns by age is to ask not how old the voter is but when it was that the voter was young.

This dynamic view led the early research to a second key phenomenon, the aging of political *alignments*. A strong set of issues that divides the country over a series of elections can create a partisan alignment that lasts for decades. Such an alignment was created by the powerful issues of secession or union, of slavery or abolition, of economic interest of the South or North that divided the country in the Civil War and its aftermath. But the longer an alignment lasts—the farther the issues that create it recede into the past—the more it depends on the secondary processes of the cloning of partisanship in the childhood home and the reinforcing effect of neighborhood, school, workplace, and press.

An alignment that is in this sense old is more easily displaced by a powerful new set of issues dividing the country. This is what happened in the 1890s, when most of the generation that fought the Civil War had gone to the grave, and a new generation of voters was divided by the issues that separated a modernizing, protectionist, business-oriented Republican Party, strongly centered in the Northeast and Midwest, from a traditional, low-tariff, agrarian and big-city Democratic Party, centered in the South and West. The sharp sectional realignment of the 1890s created a Republican ascendancy that lasted, with only the Wilson aberration, until the Great Depression, when Franklin Roose-

vult created a new alignment from class-based issues and a new definition of the role of government.

The Roosevelt alignment was still intact two decades ago in the sense that no powerful new set of issues had divided the electorate on a lasting basis. But the alignment was old, and was increasingly dependent on the secondary processes I have noted. What has happened since should be described less as the rise of a new alignment than as a process of *dealignment*—a general weakening of party ties in the electorate. The marks of this dealignment can be seen in the falling fraction of interview samples of the electorate that describes itself as strongly partisan. But it is also reflected by the rising volume of split-ticket voting, by the far greater swings between the parties, and by the long-term fall in turnout, since party loyalty has always been an important force in drawing people to the polls.

Several factors have fueled this dealignment. One is rising education, since a more highly educated electorate more easily obtains and uses information about politics—and has less need to fall back on party loyalties to simplify a baffling choice. A second factor is the greater mobility of the electorate. The highly stable and mutually reinforcing environments of an earlier era are steadily eroding as we range more widely in our choice of where to study, where to work, where to live. The solid South was broken up by an invasion of Yankee voters, but the local and regional political consequences of greater mobility are visible everywhere.

A third factor encouraging dealignment is a marked change in the mass media. A half century ago Americans read a strongly partisan press. I was a boy of thirteen in Philadelphia in 1940 when Franklin Roosevelt faced his third Republican opponent. On election day the staunchly Republican Philadelphia *Inquirer* carried the headline "Nation Defends Third-Term Tradition Today," while the even more staunchly Democratic

Philadelphia *Record* carried the headline "America Rallies to Roosevelt as Dictators Seek His Defeat." Today in Philadelphia only the *Inquirer* remains—and has to cater to the interests of its Democratic and Independent, as well as its Republican, readers as do so many of the other metropolitan papers that are alone in their markets. Their editors and proprietors fear they will lose even more of their readers to television if they take anything like as strong a political stand as they did in the heyday of the partisan press. This year's election-day headline in the *Inquirer* was "95 million expected at polls today."

This trend has been strongly reinforced by the rise of the broadcast media, which were legally obliged to present a more balanced and neutral coverage of politics. However biased the Spiro Agnews may find the network news, the plain truth is that radio and television have made it vastly easier for most voters to be exposed to political messages from both sides—as they were to a spectacular extent in this year's television debates—rather than to be wired only into the strongly angled news and editorial columns of a partisan press. This phenomenon is by no means limited to our own country. A main reason for the rising strength of the Communists in Italy since the War is the astonished discovery by all parts of the Italian electorate that the Communist leaders they saw on television, especially the enormously attractive Mr. Berlinguer, had neither horns nor a tail.

A final influence that has weakened party alignments, one that is closely linked to the rise of television, is the fondness of the rival parties and candidates for a type of issue appeal quite different from the classical political issues. I come here to a distinction that is hard enough to grasp that it has never made its way into popular interpretations of elections. All of the great alignments of the past have been formed by what we may call *position* issues. An issue of this sort divides

the country into at least two issue positions, such as extending slavery into the western territories or keeping these territories free. The rival parties or candidates differentiate themselves and compete for the electorate's support by advocating one or another of these positions.

But there is a very different kind of issue, one which can be enormously influential with the electorate but which has a radically different structure. This second type is illustrated by the issue of economic well-being. The country is not divided between two or more *positions* on prosperity. We do not have a part of the electorate that wants good times and a part that wants bad. In general, everyone wants economic prosperity and no one wants economic distress. The rival parties and candidates differentiate themselves and compete for popular support on such an issue not in terms of what position they *advocate* but by associating themselves more closely in the public's mind with the goal or condition everyone wants—and their rivals more closely with the goal or condition no one wants. Success goes to the contestant who is better able to form these bonds or *valences* in the public's mind.

I should emphasize that it is an empirical, and not a logical, matter which are position issues and which are "valence" issues. We can certainly imagine an electorate that is spread out along a preference dimension extending from prosperity to adversity. As I organized my comparative studies in Britain at the beginning of the 1960s, I found a few doctrinaire socialists who felt that Mr. Harold Macmillan's prosperity was morally wrong, and one of my interviewers came across an aging pensioner in Poole who said, "It's awfully good to have to get along on less, isn't it?" If some versions of the "small is beautiful" ideology had captured the public's imagination, there might be more diversified views on prosperity and adversity. Or if the tradeoff between growth and price stability that is so evident to governments and their

economic advisers became visible to their electorates, the economy might present a genuine position dimension, with voters deciding whether they cared more about unemployment or inflation.

But the evidence of the interview studies is clear that the economy enters the electorate's mind overwhelmingly as a valence rather than as a position issue—and probably has done so since the time Martin Van Buren was driven from office in the aftermath of the panic of 1837. Everyone wants both high employment *and* stable prices, and the rivals differentiate themselves and seek the electorate's support not by advocating good times or bad but by bonding themselves more closely in the public's mind with the condition everyone wants and their rivals with the condition no one wants. Valence issues involve a politics not of advocacy but of image-making.

It is clear that a politics of valence issues is ideally suited to a television age. It is very difficult to make an old-fashioned political speech in a general election campaign and say nothing about position issues. But it is very easy to avoid position issues in a sixty-second television spot, and the flood of political commercials to which we are all exposed—both the positive and negative kind—are almost a pure exercise in the formation of issue valences.

One reason the campaign managers have such a taste for valence issues is that they can be pure gravy. A candidate who takes a stand on a position issue that divides the country can expect to win some votes but to lose others. In an earlier day you could not gain the support of the part of the electorate that wanted slavery extended to the western territories without losing the support of the part of the electorate that wanted these territories to remain free. But a contestant who is seen as the candidate of good times will not lose the votes of those who favor bad times, because there are practically none of them to lose.

I will use this framework to offer three additional observations about our current politics. The first is that the gravitation of the parties and their candidates toward valence issues has greatly widened the role of single-issue groups in our political system. The position issues that are latent in our society—and our political discourse—do not simply go away because our political leaders increasingly avoid them. These issues—whether abortion or ERA or prayer in the schools or property tax relief—have increasingly been captured by interest groups focused on a single, or a very few, position issues. This process is carried to an extreme at the state level where the single-issue groups are directly wired into policy decision-making via the electoral referendum, a device that further relieves party leaders of the need to deal with the position issues that divide the country.

My second observation is that the wider role of valence issues in modern campaigns has helped to produce the cycle of high expectations/low realization that has so beset our recent presidents. Eisenhower is still the last president to serve two full terms. A candidate who is highly skilled in bonding himself to an array of highly positively valued goals or conditions is almost bound to fall short of these expectations in office. Jimmy Carter was an absolute genius at valence politics in his drive for the Democratic nomination, as anyone who heard his "My name is Jimmy Carter and I'm running for president" speech will recall. Already he was in some trouble when he began to be pressed by Gerald Ford on some of the hard position issues of the day in the general election campaign. But the sense of disappointed expectations became monumental when he had to deal with the realities of governing, buffeted as he was by an unkind fate. When it came to hard luck, Jimmy Carter almost invented it.

But the observation is a more general one. In an earlier day position issues put a ceiling

over the popularity to which a successful presidential candidate could aspire, since he had little hope of winning over to his cause those who opposed his stand on the position issues that were the bedrock of party loyalty. But these issues also put a safety net under the free fall in popularity of a president whose fortunes were in the decline. Nowadays there is almost no limit to the depths to which an unpopular president may sink.

The final observation is one that inspires the title of my talk and has to do with the difference between the situation of a presidential candidate and of a president-elect or president. Valence issues are peculiarly serviceable in attracting the votes that carry a candidate to office. But position issues are much of what is involved in governing, especially in driving a program through Congress. For this reason even candidates who are brilliantly successful at valence campaigning have strong motives for discovering after the fact that it was a position-issue mandate they sought and received.

The discovery of this mandate by Ronald Reagan as president-elect four years ago is a very instructive case in point. It would not be right to say that Mr. Reagan mounted a campaign free of position issues in that year. But recall his summing up in the television debate with Jimmy Carter. Mr. Carter came first. Thinking he was opposed by an improbably right-wing candidate Carter told the television audience that it faced a choice between two positions on a liberal-conservative dimension. He said, essentially, that I am the mainstream candidate of the mainstream party and my opponent is the right-wing candidate of the right-wing party. If you belong to the American mainstream you should, he said, vote for me.

But when it was Mr. Reagan's turn to sum up he told the television audience the choice they faced was nothing like that. What the voters should rather ask themselves was whether they were better off four years ago than they are today, whether the country

was more respected abroad or better led at home. If your answer to these questions is yes, you should, he told his listeners, vote for Jimmy Carter. But if your answer to any of these questions is no, you should consider another course. His summing up was the capstone of a wonderfully skillful valence campaign.

What was most striking four years ago was, however, what happened next. Once Mr. Reagan's victory was won, the two parties completely switched sides in their interpretation of the choice the country had faced. Particularly as the president-elect and his lieutenants geared up for the drive to put their program through Congress, they claimed the electorate had given the new president a broad ideological mandate to shrink the role of government, limit the domestic social programs, build the military, take a harder line with the Soviets, and a great deal else. The Democrats, on the other hand, were now the ones to say that the electorate had rendered a judgment nothing like that and had simply said they were not as well off as they had been four years before

and thought in other respects that Jimmy Carter's leadership had failed; a judgment, in other words, in valence terms.

It will be interesting to watch the same process at work this year. Mr. Reagan was again elected on a mix of position and valence issues. But it is a position mandate he is likely to discover in the period ahead. What element he accents will itself be interesting to see. One of his clearest strategic decisions four years ago was to downplay the so-called social issues as he moved on taxes and the budget. Whether he will do so again remains to be seen.

But it is clear that the president will have a strong motive to see a position mandate of some kind in his great victory. Barring an unforeseen mishap he will do this with charm and skill and once again illustrate what appears on the surface a paradoxical contrast: the tendency of our political leaders to invite support in valence terms and then to accept this support in the very different terms of a mandate based on position issues, when the electorate's verdict is in.

Research in Industry*

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Is there really something to understand about industrial research? Is it really so different from academic research with which we all have a comfortable degree of understanding and familiarity? It is certainly true that most industrial researchers are originally trained as academic researchers. Isn't industrial research basically academic research in a new setting?

Certainly, at a very basic level, there are similarities. Both academic and industrial research require very good people and are enormously sensitive to the degree of skill and insight and technical excellence of the people involved. There is the characteristic, not true of many occupations, that one outstanding person can do more than many who are merely good. Although there are many important and basic similarities like these, there are also major differences and it is these I want to discuss.

Before addressing the unique characteristics of industrial research, there are two points to be made: first, I will discuss only research work carried out by an industrial firm in order to benefit from the work in some fairly direct sense. It is not work carried out to gain prestige, improve the firm's image, do better recruiting, et cetera. This kind of motivation, although sometimes important, can be only a subsidiary one for any research organization that expects to have a long life in a competitive industry. Second, I need to fit industrial research into the in-

dustrial setting and explain what I mean by the term "Industrial Research," which is certainly not completely self-explanatory.

We know that manufacturing is actually building the product, a computer, for example. Behind this is product development, the process of designing, prototyping (i.e., building an example) the next computer, testing the prototype, debugging it, correcting its flaws, and finally redesigning it or otherwise modifying so that it is manufacturable—preferably in large quantities.

Industrial Research is doing technical work that lays a foundation of knowledge which is usable later in product development or manufacturing. In the computer setting it could be a study of the design of computers to understand the bottlenecks of the present approach and suggest modifications that would make a computer run faster, or perhaps work on an entirely new design that would run faster still.

The point is that, unlike product development, one is creating a knowledge base to be used later. This knowledge could also be a new process that improves transistor performance or even fundamental new information about semiconductor surfaces and interfaces that will ultimately lead to better transistors.

Now to some differences from academic research. First, in industrial research it is possible to be too early or too far ahead. Normally in research one worries about being behind, having someone else discover first and publish first; but, although this worry surely persists in the industrial setting,

* Read 21 April 1984.

there is also the real problem of being too early. For example, and I take one that has a certain inherent simplicity, some years ago transistors were being worked on in manufacturing at the 4 micron level, and in development at the 3 micron level. We, in Research, leaped far ahead using electron beam fabrication techniques, studied and published on many aspects of one micron transistors. It was not, in fact, possible to create a complete one micron manufacturing process.

Our work was good, and it looked very advanced to the technical community. But, many years were to pass before one micron was a practical manufacturing technology. In these years a lot happened: (a) the knowledge we obtained was generally diffused, (b) most of what was needed was developed gradually by the practitioners in their gradual advance from 4 microns to 3 microns to 2½ microns, etc., including what we had learned, and (c) some of the surrounding circumstances changed, that is, electron-beam was deemed unnecessary, optical extension was thought to do the job. So some of the work and insights became irrelevant.

The learning of the advanced content through evolutionary advance, the changing circumstances over many years that make some of the work beside the point, and the impossibility of keeping secrets over such a span of years, these are general phenomena.

A related but distinct observation is that one's technological lead in an industrial setting is not the time it takes you to do something, or even how much in advance you start or finish your research or your technology, but it is never greater than the time it takes to copy. Many good ideas are easily copied and although the copy time can sometimes be extended through artificial (or legal) means, that is, patents or copyright, there are many domains and circumstances under which these extenders don't apply. Such an advance will likely be a contribution

to the world, but not a competitive advantage.

On the more positive side, in this competitive picture, is the observation that it pays to learn to do things that are genuinely difficult to do. A storage device based on a non-obvious understanding of the structure of a silicon oxide layer may be difficult to duplicate even after the fact of its existence is known. A fabrication process for a thin film head may call for an advanced plating technique, which makes its replication difficult. Knowledge of these techniques then, has a double payoff: it enables one to see the possibility of fabrication, thus obtaining an initial lead, while difficulty of the technique and the necessity for relatively esoteric expertise lengthen the copy time.

One way to make competitively advantageous progress, then, is to do hard things that relate to key aspects of technology. This is helped by a detailed knowledge of one's own product. Although I have used hardware rather than software or design and architecture examples, the analogous software or systems examples do exist. So one comes to the conclusion that one way to make progress is to do hard technical things and drive the technology ahead. A basic research capability in appropriate subjects may be precisely the sort of capability that fits into this scenario.

In addition, a second fit for this capability may be through instrumentation rather than through subject matter. A surface physicist may not deal with the surface of magnetic tape as subject matter, but the delicacy of his or her instrumentation technique gives the physicist an unparalleled virtuosity in dealing with such a surface in times of technical crisis. I have seen this happen repeatedly.

Another, very nontrivial aspect of dealing with basic research in industry relates to the complexity gap between the simplicity of what we can deal with scientifically and the

complexity of what we would like to understand in technology. We can deal with individual atoms alighting on a nickel surface, but we need to understand a silicon surface exposed to a gas plasma and interacting with it chemically. Choosing areas of work that are scientifically alive, but in which the complexity gap between scientific understanding and the technical problem is not too great, is part of the task of getting the great power of basic research to function effectively in an industrial setting. It is a specifically industrial problem.

Much of what I have said appears to relate to a world of micro-innovation in which the strategy is to solve tough technical problems rather than introduce totally new and simple ideas or new technologies. This sounds upside down, but it is, in fact, the usual, rather than the exceptional situation. It seems upside down because in general, the cumulative effort of steady technical progress is usually underestimated relative to that of the more spectacular "breakthrough."

The transistor was a breakthrough and it defeated all attempts to incrementally advance CRT tubes or magnetic cores, but since its introduction, incremental advances from 1 transistor/chip to 1 million have in turn ward off every attempt to introduce bold new technologies such as optical logic or cryogenic logic. In technology the most novel technology usually is not always the best, in fact, if the in-place technology is moving rapidly a novel technology has a hard time. So we realize then in technology the most innovative is not always the best. This carries over into products. It is not always true that the most innovative product is the best one. Often it is defeated by incremental improvements in the old.

Perhaps I have said enough to convince you that industrial research, affected as it is by a need to produce competitive products, has certain characteristics of its own. I have also omitted much. For example, I have not discussed the problem of dealing with or

trying to foster truly radical innovative events. The subject is truly complex, and it is interesting to note that like many complex subjects, it is being paid the compliment of myth. John Kennedy said, "The great enemy of the truth is very often not the lie—deliberate, contrived, and dishonest—but the myth—persistent, persuasive and unrealistic."¹

Although we don't usually associate myth with science and technology, it is there. One of the heroic and appealing aspects of Christopher Columbus is that he championed the present scientific belief in a round earth and triumphed over his opponents who believed he would sail west only to topple off the edge of a flat world.

This is pleasing stuff. The "good guy" has the modern and scientific view and the "baddies" are dead wrong. However, the reality was different and not nearly as wish fulfilling. All parties to the dispute about Columbus's voyage knew the earth was round; the dispute was about how large the earth was and hence how far it was to China and Japan. Columbus argued for a small earth with Japan, therefore, not far to the west. In fact, he argued that only 2,400 nautical miles separated the Canary Islands from the coast of Japan. Ten thousand is right. The court advisers had a much more correctly sized earth and said it was too far—he'd never get there. They were right. In the end it didn't matter, the myth has stepped in to improve the story and to make it simpler and more to our liking.

James Watt and the steam engine is another example of a myth many are familiar with. The charming story says that Watt saw the kettle boiling on his mother's stove, realized the power of steam, and when he grew up invented the steam engine. This myth is particularly interesting to me because Watt was, in fact, a significant contributor to the 140-year evolution of the steam engine from a toy to a practical engine of revolutionary impact. But, myth has replaced that

evolution by a single invention by Watt, even though in his childhood, the Newcomen steam engine was already hard at work in British coal mines.

Similarly, there are today simple statements relating to technical development. For example, the famous economist, Joseph Schumpeter, in *Capitalism, Socialism, and Democracy*, asserts that large monopolistic firms are ideally suited for introducing technological innovations that benefit society. "What we have got to accept is that [the large-scale establishment or unit of control] has come to be the most powerful engine of [economic] progress. . . ."² This is a simple sweeping statement, not popular today, so it is easy to say that it is untrue.

On the other hand, it is almost impossible to say "small company" without saying "small innovative company," and many claim that studies and economists have shown that small companies are more innovative than large. We often hear, "Small firms and independent inventors play a prominent and perhaps even disproportionate role in generating the new ideas and concepts upon which technological advances rest."³ I have studied these assertions and

find little substance there either. I think it is more probably wish fulfillment of one form of the American dream.

Both these statements are attempts to capture, too simply, a subject that has many aspects and complexities. The reality is that the conditions for innovation and effective research are not captured by the simple statement of large and small companies. They are not captured either by the wish-fulfilling thought that the Japanese cannot innovate because they use or do not use the left half of their brains.

The factors relating to innovation and to the role of research in industry are complex and not well understood. They are important to future progress. Today we are dealing largely with oversimplified pictures and sometimes myth. The realization that this is the case is, I hope, part of the process of making progress.

NOTES

1. J. F. Kennedy. 1962. Commencement address, Yale University.
2. J. A. Schumpeter. 1950. *Capitalism, Socialism, and Democracy*, 3rd ed. Harper. 106, quoted in F. M. Scherer. 1980. *Industrial Market Structure and Economic Performance*. Houghton Mifflin. 408.
3. Scherer. *Industrial Market Structure*. 417.

The Attendance of the Episcopate in English Parliaments, 1376-1461

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Parliament in later medieval England has been a subject of longstanding debate. There have been many points to argue: its actual functions and composition, its place vis à vis the crown, the relative strengths of its component parts (and what each was trying to achieve in parliament), its role in the government and politics of the realm.¹ Although there are many reasons for such prolonged argument, one permanent difficulty has been the scarcity of direct or unequivocal evidence as to what actually went on in parliament, both in its procedures and in actual debates and decision making. Some historians have tried to shed light on the nature of parliament, if only obliquely, through a close examination of the men who actually came there—their social standing, careers, political affiliations, cumulative parliamentary experience, willingness to return repeatedly, and ability (in the case of the commons) to secure election. It is an approach which has its obvious pitfalls but also, with careful handling, its merits.

In the case of the medieval English parliament the problem does not end with the validity of the methodology. There is, too, the question of available data. Many of the names of those attending as the lay commons for most of the meetings of the later fourteenth and fifteenth centuries have survived. By comparison, the identity of those lords who actually attended upon the "upper house," as opposed to all those who were summoned to do so, has proved much more difficult to determine. Some years ago Pro-

fessor J. S. Roskell made a thorough study of the direct evidence bearing upon the attendance record of the lords.² He concluded that, apart from times of particular political stress or of great state occasions, very few more lords came to parliament than those formally involved with the king's government through his council. Even though the other lords were strictly enjoined by the king to attend his parliament, in practice they normally felt no great obligation or wish to do so. These are important findings, but, by the nature of the evidence, they provided only a general framework for analysis. Exactly who turned up on any particular occasion remains still largely a mystery. Even though the overall attendance record of different groups among the lords may follow certain patterns, it has still to be established whether the same people turned up each time, or at least the same sort of people. If this could be done, it might be easier to assess what the lords' role in parliament actually was. Were they a powerful second chamber, exercising an independent political authority which both king and commons must heed? Or were they very much the king's advisers, there to help him meet his commons as the prime function of any parliament? Identifiable changes in the number and nature of those attending might also hint at fluctuating tempers from one parliament to another and at the king's own strength of support among the lords.

Whatever disagreement there has been about the role of the commons, historians

of varied persuasions have doubted whether the "house of lords" really was a place where, on fairly regular occasions, the great men of the realm could and did attend to lecture the king on his job. It is indeed very much a fashion these days to denounce the older view that either the lords or parliament as a whole was consciously a limitation on, let alone an embryonic rival to, the royal exercise of government in normal times. Here is one example of the potential usefulness of the prosopographical method. Any lord had the right to attend (hereditary right in the case of the lords temporal, *ex officio* in the case of the lords spiritual), but is it true that normally it was only worth a lord's while to exercise his right if he felt inclined to cheer, or that the upper house of parliament was not the forum for those who wanted to complain and oppose? The official rolls of the parliaments rarely record dissent among the lords. If we knew which people actually attended, and how the record of their attendance compares with their response at other times, we might be able to guess at the mood of the meeting and how far the rolls disguise the character of the assembly in practice.

Usually there was fair attendance in the upper house but, as Professor Roskell noted, it was made up largely of those actually engaged in royal government. At other times, though, there might be unusually low attendance. If we think of parliament as a political assembly, does absenteeism imply complacency, apathy, contentment, or silent protest? If we regard parliament as essentially an instrument of royal government, did the king at such times see little need to rally his lords? Or did he for some reason have few lordly advisers or supporters to call on? In other words, was the government strong or weak when attendance was low? What kind of regime operated without the "normal" level of involvement by lords? On the other hand, what would have moved the lords to a high level of attendance—a

coronation or great state occasion certainly, but would a political crisis have brought them in or would they have stayed in the country waiting for the tension to dissipate? Of course, even if we could name the attenders and the non-attenders every time, many answers to these questions would remain guesswork, but it might at least be better founded. What is proposed here is not an answer to big questions but the presentation of some evidence, with a minimum of interpretative comment, for others to exploit as they will. The evidence can be useful to historians of many different interests and points of view and certainly requires many different skills in interpretation. Accordingly, it should not be encumbered in its debut with a commentary that is both *parti pris* and necessarily selective.

The evidence relates to one group among the lords, the secular prelates. For these it is possible to supplement Professor Roskell's findings. The twenty-one diocesan bishops, seventeen in England, four in Wales, were all summoned to parliament as of right. The survival of their episcopal *acta* in good number and detail, the involvement of many in royal service, and, to put it generally, their life and work in circles where written records were both made and kept with some efficiency, allow us to construct quite detailed itineraries for a substantial majority and to have some idea of the whereabouts at times of the rest. It is therefore often possible to see bishops making their way to and from parliament or else continuing in their diocesan or other work. Although the record still remains incomplete, some reasonably detailed and well-founded assessment of the degree of attendance of most bishops can be made and consequently of the record of the attendance of the episcopate as a whole. Furthermore, a record of the attendance or absence of individual bishops from any one particular session of parliament may contribute to an understanding of a political episode at that time, especially if the response

of each bishop can be set in the context of his own overall record.

Of course, the bishops as a group will not do as a typical sample by which the putative attendance and attitudes of all their colleagues in the upper house might be calculated. The bishops, for example, are already known to have been the most conscientious group of attenders in the house, yet their fellow lords spiritual, the parliamentary abbots, were the worst.³ And already we are running into problems of definition. To conclude that bishops collectively were "conscientious" in attendance, abbots "deplorable," the higher ranks of the lay peerage good, the lesser baronage indifferent, may mislead unless the inquiry goes further. What may need emphasis is the personality and public place of each individual, without regard to rank. The bishops, dukes, and earls may not have attended simply because they were bishops, dukes, and earls; the abbots and barons not stayed away because that was the custom of their kind. The bishops may be the best sample to have, if that is all we can have, because, of all the elements in the house of lords, they were indeed the most diverse group, and their individual attendance records range the whole spectrum from invariable presence to complete absenteeism. Any consistent correlations between attendance record and personal background might well be an acceptable product of the prosopographical method.

That said, it is well to show caution. Some bishops were secular clergy and some religious. Some had been much involved in secular affairs and some not at all; but all were men of the cloth, and that did matter. They could not participate in judgments of blood. They had their places *ex officio*, not by personal, hereditary right. All answered to the pope as well as to the king, and more than once they protested to their temporal lord that they could not support him in something that might offend the true authority of their spiritual lord. In more immediate terms, they

answered to the provincial convocations of their clergy, too. Among themselves, bishops differed greatly in birth, expertise, career, and connection. By virtue of the see each held, they differed widely in terms of wealth and prestige.⁴ Sees such as Canterbury, York, Winchester, and Durham were the equal of any in Western Christendom, others—Bangor, Llandaff and St. Asaph in Wales or Rochester and Carlisle in England—of small account. It must be emphasized, therefore, that the episcopate does not easily lend itself to reduction to meaningful percentages, fractions, or statistical representation, when some were so very much "more equal than others." In this paper the quantifying of the episcopate's overall record or even at any one parliament has been deliberately eschewed—more than some historians might like. Quantification can be, and has been, a very misleading and unsound habit.

It should also be established from the outset that imponderables must remain in interpretation. There are plenty of incidental references, for example, to both ill-health and feeble old age among the episcopate, and both no doubt had a considerable effect on records of attendance. Several bishops who had been regular attenders ceased to be so in their last years.⁵ But it would be dangerously near to a circular argument to attribute such retirement to physical decline as a matter of course. One might as well go the whole way and attribute all absences not otherwise accounted for to some unrecorded malady. The effects of ill-health on parliamentary attendance cannot be listed neatly and quantified. By the same token, the actual ages of bishops are a matter fit only for light-hearted, off-the-record speculation in the great majority of cases.⁶

While here we are concerned specifically with parliament, the bishops' attendance does have its interest also for those who study the episcopate's own world, the church. With or without the forthcoming Reformation in mind, the condition of the

later medieval church and how it was being run are questions of lively current interest. Parliament was an important point of contact between church and state, even more so if the Convocation of Canterbury was assembled at the same time. How the episcopate responded to summonses to parliament may contribute something to an understanding of their view of the church-state relationship.

The attendance register offered here begins with the "Good Parliament" of 28 April–10 July 1376, an exceptionally well-documented assembly and one of particular importance. This parliament and its successor, the "Bad Parliament" (27 January–2 March 1377) make a notable and natural prelude to the parliaments of the reigns of Richard II and the three Lancastrian kings, which provide the main shape of the record. As a terminal date, the first session of parliament summoned by Edward IV (4 November–21 December 1461) was not only important in marking a new dynasty after a violent revolution, but had the rare advantage of keeping records of some of the daily attendances in the upper house.⁷

Four assemblies in this period have not been considered for purposes of general discussion, although the evidence relating to them has been duly noted in its place: the session of parliament which occupied five days at Shrewsbury, 27–31 January 1398; the assembly at Westminster on 30 September 1399, which present historical opinion is generally reluctant to accept as a parliament; and the two one-day sessions at Reading, 12 February 1453 and 11 February 1454, which, evidently by design, were pro-rogued at once.⁸ Excluding these, there remains a theoretical total of 2,037 episcopal attendances or absences relating to 97 assemblies to be entered in the register. From this total must be subtracted 116 instances where a bishopric was vacant throughout the session in the eyes of the English authorities or where a bishop was ineligible to attend by reason of non-recognition, dis-

grace, or formal disaffection.⁹ Of the remaining 1,921 instances, it has been possible to confirm, in the main with certainty, in some cases with reasonable probability, 1,179 attendances and 449 absences.¹⁰ Set against the remaining 293 lacunae, the register stands as 85 percent complete.

Nevertheless, evidence of attendance from certain bishoprics remains scanty. All four Welsh bishoprics (who share 150 lacunae fairly equally among them) and Carlisle, Chichester and Rochester (45, 28 and 22 respectively) are especially ill-served. While in some ways the attendance records of these lesser bishops may be those which can best be spared, it remains unfortunate that one end of the bench is so consistently under-represented. It will be suggested that it is exactly such lesser men who provide a weathercock of political behavior. However, apart from Ely and Durham (each with thirteen lacunae), the register is nearly complete for every other bishopric.

In all the bishoprics where evidence is weakest, the principal cause is the complete or extensive loss of the episcopal registers. The problem is different only with Rochester. One of the smallest of dioceses, its episcopal registers, although generally extant and well-kept, do not provide so crowded an itinerary. Maybe quite simply the bishop had less business to record.¹¹ In the case of Durham, where the extant registers cover only thirty-three years out of the eighty-five in the period, and of Ely, where the registers are both incomplete and not infrequently unhelpful about itinerary, the whereabouts of the bishops can still be located quite often because of their frequent involvement in royal government, diplomacy, and political activity. In both cases, well over three-quarters of their bishops' attendance records can be recovered. By comparison, everything conspires to deprive us of alternative sources of information about the lesser bishops. Unlike their eighteenth-century counterparts, these were not young careerists on probation and

eager to climb further rungs by translation as a reward for public and political service. Quite the reverse, they tended very often to be men who neither had been nor were going to be much involved in public service and hence appeared infrequently in contemporary official and literary sources. By the same token they were often quite elderly on appointment and even less likely to make much public mark. Their sees were small, poor, and mainly remote, hence there is numerically less chance also of their appearing in wider ecclesiastical business, such as the exchange of benefices across two dioceses. Even so, the record of this trade (particularly until Archbishop Courtenay's demand for a curb on the practice in 1391) is a valuable source of information for the itineraries of bishops whose own registers do not survive; their approval of an exchange may well be recorded in the extant register of the other diocese involved in the transaction.

No doubt some of the remaining gaps in the register will one day be filled. Perhaps, too, occasional instances will arise when a bishop who is recorded here as absent on the basis of a single reference will prove to have attended part of an extended session of parliament at some other time.¹² It has seemed impracticable to give references for every entry in the register; sufficient notes are called for, as it is, where some explanation of an entry is required. A full list of the sources examined or particular references followed up might testify to the persistence of hope over experience but would be an expensive and dubious luxury to include here.¹³ Surviving episcopal registers, cathedral chapter act books and cathedral priory registers or principal cartularies have been worked over, together with records of parliaments and councils and, it is ventured, those haystacks among public, literary, and other institutional records where it seemed certain or even reasonably possible that needles might be found.¹⁴ As has been said, further information is most needed on seven

small bishoprics, and concentrated studies of these might well produce some valuable cache. Insofar as cartularies survive from religious houses within these dioceses, some chance reference may well arise, and the vast collections of such antiquaries as Browne Willis might indeed put in a small tithe. In short, the bishops were ubiquitous; they cropped up everywhere.

There are three sources of evidence which require some explanation or justification. Historians have never really doubted that those lords who were appointed as triers of petitions were indeed present or expected; and often, for individuals, this can be proved. Altogether, the episcopate received 487 appointments as triers. There seem to be no more than 16 identifiable instances (with maybe 2 more unresolved) where a bishop who was so appointed did not attend.¹⁵ (Ten of these, it should be added, occur before 1394.) As the appointments were generally of well-recorded greater bishops, it can be shown that in no fewer than 431 of the remaining instances the appointee was certainly present. Consequently, it has seemed reasonable to record the 38 cases where a bishop was appointed but whose whereabouts are otherwise unknown as "probable attendances." These are therefore entered in brackets, with the suffix *t* to make the matter clear. In any case, this evidence usually adds only to our knowledge of the greater bishops, and conclusions as to the overall attendance record from any particular see are not materially affected. It should be added that it seemed too rash, or at least introduced too speculative a note, to presume that any particular bishop acquired automatic appointment whenever he attended, though the record might suggest as much; hence, failure to be appointed has not been designated as probable absence.

The majority of surviving letters of proxy are gathered together as Special Collection 10 in the Public Record Office. A few more letters can be found in episcopal registers.

Only 9 instances at most occur where a bishop, for some reason, attended a session for which he had previously returned proctors, and, even then, not all of these need have been flat contradictions.¹⁶ With 111 proxies recorded as returned by bishops who were certainly absent, it seemed reasonable once again to refer to these sources as probable absences, in the 51 cases where other information fails. Again such entries in the register are bracketed, with the suffix *p*.¹⁷

The number of surviving letters of proxy from bishops declines after the early years of Henry VI's reign until, after 1443, there remain only those to be found in the registers of Bishops Bekynton of Bath and Wells and, to a lesser extent, Lacy of Exeter. This has a particularly unfortunate bearing upon our knowledge of the Welsh bishops. It needs to be noted also, that, because the letters of proxy play their most significant part in telling us of the attendance of bishops of Welsh sees, they create a bias in the overall record of such bishops toward probable absenteeism. The survival of letters of proxy is too random to permit the degree of such distortion to be calculated.¹⁸

The third of these sources of evidence is interesting but of less overall importance. Formal exemptions from attendance were few, apparently granted with some reluctance, and based in nearly every case upon genuine old age and ill-health.¹⁹ In several cases there is very good evidence that the exemption was indeed only recognizing the bishop's general loss of mobility. The attendance lists may even suggest that these veterans were often particularly conscientious in appointing proctors to parliament—the condition upon which their exemption rested.²⁰ Some examples can be found of bishops who apparently did attend in spite of exemption: John Buckingham of Lincoln in 1390 (Jan.) and 1394, Walter Skirlaw of Durham (whose exemption by Richard II, in fact, did recognize initially his long service as much as any inability to travel) in 1399

and 1401, John Fordham of Ely (who had been granted a specified two-year exemption, without explanation, in December 1399) in 1401, and Thomas Bekynton in 1453 (twice). There is, however, one notable anomaly in the case of William Aiscough of Salisbury, who was exempted for life on 11 July 1443 by reason of his personal attendance as confessor upon the king. Notwithstanding, he appears never to have been absent from any of the twelve subsequent sessions of parliament until the very last before his murder in June 1450. Moreover, his appointment as a trier of petitions in three of the four parliaments rules out the idea that his exemption still permitted him not to participate even though he was presumably in the vicinity as the king's confessor. Indeed, on 1 July 1449, or thereabout, he spoke in a debate among the lords during the time, perhaps even in a formal session, of the Winchester Parliament.²¹ It can perhaps be speculated that Aiscough's duties to the king became more secular in nature and made his attendance necessary almost as soon as he had secured the exemption.

When John de la Bere of St. Davids was being confirmed in February 1457 in his earlier exemption on the grounds of ill-health, his complaint was mentioned that this exemption (of which no record has survived) had not prevented his being fined for absence at some time. Fining seems to have occurred only once, at the instance of the Protector, the duke of York, in April 1454, and de la Bere was indeed one of those penalized.²² Presumably, it was this occasion which the bishop had in mind, and his complaint was not denied (nor explicitly admitted) in 1457. Ironically enough, the session of 1454 was one of only two that de la Bere is actually known to have attended during his episcopacy. His case apart, however, there are very few instances when the attendance or absence of an exempted bishop cannot be corroborated. In the lists, absence has been suggested on such occasions, but

in brackets, with the suffix *e*, to indicate the lack of supportive evidence.

The main purpose of this paper is the presentation of the register of evidence rather than extensive comment, for it has already been submitted that the material could interest historians in many different ways. However, a few points might be made in interpretation of the record. First, we might ask why the greater lords apparently did attend more frequently than the lesser. Was this simply a mark of their illustrious station in life, or was it a reflection of deeper involvement by such individuals in the business of the crown? Although the greater lords spiritual must not be lightly equated with their temporal counterparts (after all, generally speaking, the former achieved their greatness by merit, whereas the latter were born to it), a brief survey of attendance see by see does show some consistent patterns of behavior which may have wider application.

The archbishops of Canterbury have a 100 percent record of attendance.²³ (The see was vacant in April 1414.) They held the great seal, it is true, for over fourteen years in the period and had a virtually automatic place among the king's advisers or on any regency council. Yet the valiant attendance of the ailing William Courtenay and the elderly Henry Chichele, neither of whom was particularly essential to the crown or even wanted at the time, suggest that such obligations were only one consideration. Granted, too, the opportunity or even need to meet their suffragans in or out of convocation on such occasions for ecclesiastical business, it still seems that the archbishop of Canterbury simply did not think of being absent.

The archbishops of York, deprived of eight attendances through vacancy, achieved otherwise a record of attendance comparable to their colleagues in all the other greater sees, that is, they were present at some three-quarters of the sessions. However, the apparent contrast with Canterbury is rather

deceptive, and York is worth a little examination, because the making of its record typifies that of other sees. The archbishops of York's record was marred, in the first place, by Henry Bowet's drawn-out old age and well-evidenced failing health, for which reasons he sent proctors regularly to the last seven sessions of parliament before his death in 1423. On the other hand, Alexander Neville's nine (out of eleven) absences, 1379-84, have no such natural explanation.²⁴ True, he had attended assiduously between 1376 and 1378, but so had nearly every other bishop. They had been difficult years politically, not least for the church itself.²⁵ Importantly, when he did return it was as a close adviser to the king. The pause is too long to explain by ill-health, especially given the subsequent "recovery." Moreover, Neville, through his family, would not have lacked interest in national politics. As other sees are examined, it may seem that the real point is that Neville was an almost unique example of an archbishop with virtually no previous public service to the crown. Bowet's case, on the other hand, is an example of what was probably a very common reason for absenteeism, the conscientious bishop brought down by failing powers, although few cases can be so explicitly documented. However, Nevillé may exemplify (perhaps more spectacularly than any archbishop should have done) a more significant factor that determined attendance or absence, the simple fact of non-involvement in government service, something rare among archbishops of York but obviously more common elsewhere. Between them, it may be noted finally, these two periods of sustained absence account for all but three of the absences of the northern archbishop from parliament in the period.

The record of the bishops of Durham, on the evidence of eighty-two known instances, stands on a par with those of York, Winchester, London, Lincoln, Norwich and, almost certainly, Ely. Certainly these bishops were without doubt holding the greater sees

in terms of the wealth of the bishopric (London excepted), their status, and the public prominence of the incumbents. From each of these, and these alone (with the dubious, even unlikely, exception of Bangor), there was overall a 75 percent attendance record by the incumbent bishops over the whole period. Only from the see of Worcester certainly, with possibly Rochester and St. Davids besides, did the successive bishops achieve even a 70 percent result among the rest. It might appear, then, that tenure of a greater see of itself required the attendance of the bishop more assiduously at parliament, but such attendance by status may be a misleading hypothesis, at least in direct terms. What has to be remembered is that the crown took particular interest in appointments to these greatest sees, in favor of its own men.²⁶ William of Wykeham, Henry Beaufort and William Waynflete established for the immensely rich see of Winchester a record second only to that of Canterbury itself by virtue of their close public, usually also personal, association with successive kings. Perhaps because they had their principal diocesan seat on the South Bank the record was not hard to achieve, but this seems unlikely to have made much difference. It is more likely that the record of the bishops of London is perhaps enhanced by the location of their diocese. Obviously, it is not impossible that the bishop, although resident in London, might not have attended parliament on every occasion. But only twice, in 1440 and 1447, did a bishop of London fail to travel to parliaments in the provinces, and on both occasions in company with many of his brethren. The bishops of Durham, with thirteen lacunae still to be accounted for, may more probably be statistically flattered, because many of the gaps in the relevant evidence relate to Robert Neville, who, like Alexander Neville of York, put in an obviously irregular performance, which may well obscure the full extent of his absenteeism. His family (he was Cardinal Beaufort's favored nephew and

brother to Richard, earl of Salisbury) obtained his great bishopric for him in 1438 by translation from Salisbury at a still youthful age (and, incidentally, by an unblushing, even emphatic, justification almost exclusively by blood-kinship) but his lack of involvement in public life generally, even in that of the administration of the north, is quite startling, especially given his family's increasingly controversial role. With the exception of Neville, the bishops of Durham's record is obviously good, and the similarity to the record from York is taken further by the eventual retirement and formal exemption from attendance of a conscientious and long-serving bishop, Walter Skirlaw.

Without giving further examples, it may be said that bishops of Lincoln and Norwich both followed suit, with most consistent records of attendance by bishops much experienced in royal service, interrupted only by the retirement of once-vigorous bishops, most notably John Buckingham of Lincoln, who was exempted in 1385 and only came very occasionally thereafter before he was eased out of his see in 1398.²⁷ Again there is just one bishop who provides an exception, Henry Despenser of Norwich. Once more, here was an aristocratic diocesan who at a relatively young age had been appointed to his see with little or no intervention by the crown and with hardly any experience of public service. Yet, although Despenser had lively political interests and was a keen supporter of Richard II (in 1399 at least), the bishop's overall record of attendance is poor. Finally, the record of the bishops of Ely, although it lacks thirteen entries, suggests an outstanding diligence, particularly as several of the lacunae in the record relate to Thomas Bourchier, whose increasing public involvement after his translation from Worcester in 1443 and known attendances do not suggest much unrecorded absenteeism.

All in all, therefore, Professor Roskell's propositions seem entirely borne out. The greater bishops were very often formerly or

presently high in the service of the crown, frequently councillors if not more. Although the large majority at any point spent most of their time in their dioceses and were only occasionally attendant upon the king, their experience and, when needed, further service continued to make their attendance desirable. Most lived well past their time of sustained involvement with royal affairs. Even in the case of relatively young, evidently fit, and politically acceptable bishops, such involvement frequently fell away markedly soon after episcopal promotion.²⁸ Such men now worked (and they did work) in their dioceses: theirs was no retirement sinecure. There were only a few in these highest reaches of the episcopal bench who had not been involved in public service at some time or other. Three, all aristocrats by birth, have been seen as standing in notable contrast in their reluctant attitude to parliamentary attendance. Otherwise, there was almost complete consistency in all these greater bishoprics from one incumbent to another, with only retirement in later years, and in some cases ill health, marring the record. It would be rash to deny that the wealth, status, and tradition of these sees in themselves would encourage their bishops to attend so regularly, and in the case of Canterbury especially this was probably a point the archbishop consciously considered. But, for the rest, it seems that experience and expertise were of greater importance. Well may they have seen themselves as the king's natural advisers, and wisely indeed would the king make use of their ability.

Bishops in the greater sees were more often than not royal servants raised to their bishoprics for past service to the crown. Stronger evidence comes from the other sees, where incumbents had more varied origins. The record of the remaining bishops in English sees, if one of reasonable diligence overall, suggests that considerable experience in royal government was the hallmark of those who did attend as compared with those who did not. The bishops of Salisbury, Bath

and Wells, Hereford, Worcester, and probably also Chichester and Rochester, all established sound enough collective records of attendance for their sees and this in spite of several prolonged retirements in their last years on the part of formerly diligent attenders. Some closer examination suggests, too, that the overall records from other bishoprics would have been comparable, had not prolonged misfortune attended one or more of their diocesans. To illustrate this, the see of Coventry and Lichfield might be singled out for detail.

In Coventry and Lichfield, a number of factors resulted in the worst record of episcopal absenteeism in the country. A good example was Robert Stretton. Well on in years by 1376, he had apparently been appointed in 1360 through the good offices of his employer, the Black Prince when his eyesight had already begun to fail.²⁹ Stretton never moved from Great Haywood (Staffordshire) and, accordingly, never attended a parliament in the period. Walter Skirlaw, briefly, and Richard Scrope (1385-98) improved the record, although the latter's diplomatic activity did not help. In 1398 John Burghill, the king's highly unpopular confessor, obtained the see. After attending Henry IV's first parliament, no doubt to satisfy the crown of his acquiescence in the new order and to find acceptance, he had an exemption from the next parliament and did not attend in person any further parliament (or convocation, in fact) in his lifetime.³⁰ So far as one can see, he ran his diocese well enough and could travel around it energetically, but he enjoyed no favor with the new dynasty or with the restored archbishop, Thomas Arundel. Probably he can be considered unique in the period if he did enter upon an extended, if largely self-imposed, exile from parliament. His absence from convocation seems to confirm the point.³¹

In 1415 John Catterick succeeded to the see, explicitly to enjoy episcopal status in the papal curia and at the Council of Constance

as the king's principal resident agent. During his brief tenure of the see and when in England, he attended parliament. Thereafter, from 1420, the bishop was William Heyworth, who had been an outstanding abbot of St. Albans, but whose appointment to the see is curious and not explained at all by his subsequent career. He deserves attention. As abbot, he had cultivated powerful friends for the abbey, but as bishop he showed no great enthusiasm to continue such connections on his own behalf.³² He was vigorous enough to move around his diocese and to journey as far as St. Albans, for which he evidently retained much affection; but, save for a brief rally, 1429–32, and an appearance at the exceptionally well-attended parliament of October 1435, he paid parliament scant regard after 1422, while, however, still attending convocation.³³ He attended just seven out of twenty-four sessions between 1423 and his death in 1447. In 1439 he was exempted from parliamentary attendance on grounds of ill-health (which his subsequent itinerary hardly seems to justify), although it must be said that since 1434 he had also been missing from convocation. The exemption from parliament really provides no convincing explanation for his lack of involvement. Heyworth's record is worth noting, for it is one of the clearest examples that those monk-bishops who had had no administrative connection with the crown were apparently little better in their attendance than their fellow-religious among the lords, the parliamentary abbots.³⁴ After 1447, the see of Coventry and Lichfield had much more politically involved ordinaries in the persons of William Booth, Reginald Boulers, and John Hals. In this troubled period when most bishops resolved to attend parliament, they were present consistently.³⁵ Even then, however, there were absences. Boulers felt it prudent in 1451 to acquiesce in the commons' request (which the king actually rejected in his case) that he absent himself from court. In January 1461 Hals was with Margaret of Anjou in the north in open de-

fiance of the Yorkist parliament held in the name of the captive Henry VI. Thus, almost to the end, the bishops from this see were subject to handicaps that few others had to endure.

Salisbury is a good example of a diocese where bishops attended faithfully unless restricted by old age or foreign business. For the most part, its bishops had much to offer the government. There are two interesting exceptions, however. Robert Neville was reluctant to attend parliament in his first years at Salisbury (1427–30). Appointed at the age of twenty-two, he was totally inexperienced, and his later record at Durham, which was to remain unimpressive, seems to suggest a consistent lack of interest. It may be significant, however, that his papal provision had been contrary to the regency council's wishes and achieved only at the special request of his uncle, Cardinal Beaufort. The cardinal experienced serious political difficulties in England during the next few years and, in any case, was often out of the country.³⁶ This may have encouraged the young bishop to lie low or perhaps the government itself indicated informally that he need not hasten to parliament. However, he is not the first young bishop of high birth whose poor attendance record has been noted, and perhaps nothing so pointed should be read into his absences. The second instance seems of more obvious significance. Richard Beauchamp, who at the time was at Henry VI's court in essentially a personal capacity, did not attend the hostile parliamentary sessions of November 1450 and January 1451. He was usually assiduous in attendance, save for one notable occasion in November 1455, when he was officially declared to have been absent by the Protector, the duke of York, and his council.³⁷ Although Beauchamp later transferred successfully to the Yorkist cause, for so long as Henry VI held sway he seems to have regarded his position as politically delicate.³⁸

The bishopric of Bath and Wells provides further examples of consistently conscien-

tious parliamentary attendance before old age intervened, and again its bishops were generally men closely involved in government service. The same can be said of bishops of Exeter regarding both careers and attendance records until 1424. Thereafter, however, Edmund Lacy, formerly the dean of Henry V's chapel royal and a prelate of high religious reputation, entered into a long period of absence. Between 1425 and his death in 1455 he attended only three out of thirty-six sessions. He obtained an exemption from attendance for life in February 1435 because he could no longer easily ride, and evidence in later years points to severe physical weakness.³⁹ For some years his record of attendance had already been poor, even though, until 1431, he always visited London at least once a year, sometimes when convocation was meeting. For many years after that he was still able to undertake visitations of his diocese. However, since he had already turned fifty when appointed (in 1420), his stamina at least may have been on the wane ten years later. His record is very similar to that already noted of his contemporary, Heyworth of Coventry and Lichfield. It is similar, too, to that of another contemporary bishop, Thomas Spofforth of Hereford, who is known to have attended only four sessions in twenty-seven years, thereby accounting for almost all the absences of bishops of Hereford in the period under review. With Spofforth, however, there seems to have been no serious problem of ill-health. Formerly abbot of St. Mary's, York, for which house he retained great affection and to which he eventually retired, he had apparently been promoted to Hereford in 1422 largely through Bishop Beaufort's influence. For no apparent reason, he was at times peculiarly on the defensive regarding his episcopal position, sometimes, on the other hand, so disturbed as to request to be allowed to resign.⁴⁰ However, his record of absences seems more probably founded upon the same causes as those of Lacy and Heyworth than upon any extreme

fluctuations in his political acceptability. The general impression remains that many bishops were committed to attending, but erratic attendance or prolonged absenteeism could and did occur among those who were diligent in their ecclesiastical responsibilities and, to that extent, had a high sense of public duty. They had not previously been involved in royal government, nor ever were to be. (This is not to imply that good attenders could not be diligent diocesans too.)

This impression, suggested by the few independents among the holders of the greater sees, seems to be gaining strength from the record of these other sees, where such bishops were more often to be found, sees where civil servants alternated with candidates of a different career. The attendance records of successive bishops of Worcester, for example, varied greatly and seem clearly to reflect the background of each bishop. Of these, Henry Wakefield, a veteran former royal servant, attended a majority of Richard II's parliaments and otherwise, because of ill-health, sent proctors. He never gave up entirely. Tideman of Winchcombe, Richard II's doctor and reputed confidant, was only bishop very briefly, dying in 1401, soon after his royal patron's fall. Thus little can be said of his attitude to attendance.⁴¹ Thomas Peverel, who had first come to prominence as one of Richard II's chaplains, attended irregularly after his rather surprising translation (maybe through the influence of Bishop Beaufort) from Llandaff to Worcester in 1407. This translation doubtless meant that he was politically acceptable to the new dynasty, but his primarily spiritual gifts seem not to have been required at parliament. Richard Clifford (1401-7) and Philip Morgan (1419-26), both high in government, and Thomas Polton (1426-33), who had been, attended with great regularity. On the other hand, Thomas Bourghier, twenty-two years old on appointment in 1435 and of royal blood, attended infrequently, like others of his kind before him. Finally, John Carpenter, his successor in 1444, a distinguished churchman

with a court connection, attended sporadically until he was eventually drawn in, like most others, by the political problems of his patrons in the 1450s.

Assessment of the attendance of the bishops of Chichester, Rochester, and Carlisle is, as has been said, handicapped by numerous deficiencies in the record, but there is evidence to suggest that they responded much as their better-recorded colleagues. Accordingly, their overall record is a little inferior because the men appointed to the sees were less frequently or heavily involved in royal service. Certainly their sees lent them no natural place in the king's council in compensation. Even on the restricted evidence, the number of their known absences is at least equal to that of their better-documented colleagues. Rochester, however, has its own particular interest. It had a special relationship with Canterbury, and its bishops' relatively impressive record of attendance relies heavily on the contribution of John Langdon (1421–35) who played an important part in support of Archbishop Chichele, rather than directly of the crown, during Henry VI's minority. Over a shorter period, 1400–04, John Bottlesham had shown similar commitment, particularly in support of Archbishop Arundel, even though he himself had had little independent contact with the crown. And, at the beginning of the period under review, Thomas Brinton had been a very independent commentator on public affairs until ill-health overtook him. These three apart, bishops of Rochester, who were often monks, were at best irregular in attendance and sometimes, especially in their last years, generally absent. In this respect, bishops of Chichester and Carlisle were much the same. Although several bishops of the former see, in particular, had been promoted through royal favor, it was only when they had experience in secular government that their attendance became consistent. Since usually they were not experienced, their attendance was often infrequent. The example of Marmaduke Lum-

ley of Carlisle (1429–50) reinforces the point. Like so many young aristocrats his early attendance was rather poor. Later he looked for opportunities to enter Lancastrian service and accordingly began to attend parliament.

The bishops in Welsh sees were men generally of little or no involvement in the secular service of the crown. Often they were in religious orders and already well along in years when first appointed to the episcopacy. Their record shows irregular attendance, but it seems entirely to bear out the themes already suggested. Certainly, men such as Adam Houghton, John Gilbert, Guy Mohun and Thomas Rudbourne, who were much involved in government, gave bishops of St. Davids (the most important of the Welsh sees) a fair record of attendance, and they received some support from Stephen Patrington, Henry V's confessor, and Benedict Nicoll, who seems to have been used across the whole province of Canterbury rather than in his own diocese specifically. It is doubtful whether the bishops of Bangor really matched those of St. Davids for attendance, although a raw statistical assessment based upon present evidence might suggest as much. True, Nicoll attended regularly while at Bangor as he was to do later for St. Davids, but more evidence is not likely to change the figures. Many of the bishops do appear in parliament on occasion, but their generally advanced age on first appointment and their almost complete lack of involvement in royal service make a good attendance record unlikely. We should, in any case, recall Professor Roskell's suggestion that such inexperienced bishops perhaps had not a great deal to contribute to the most important work of the house of lords, even if they were in attendance upon parliament or taking part in convocation nearby.⁴²

The bishops of Llandaff and St. Asaph need little consideration. Their records look poor. Even on the incomplete evidence available, their known absences are numerous, and little that is known about their careers militates against the idea that they were

frequently absent. It should only be added that in the case of St. Asaph the attendance record of the bishops is heavily influenced by the particular, well-recorded, performance of Robert of Lancaster, abbot of Valle Crucis, who seems to have been appointed to the see *faut de mieux*, with his custody of the temporalities, papal provision, and consecration extending over two years, 1409–11. Retaining the abbey *in commendam*, he was not even summoned to parliament until 1414, and thereafter, pleading ill-health (even supplying details of his physical symptoms on occasion), he returned proxies constantly until his death in 1433. In all probability he was as unexcited as were the authorities about his episcopal promotion, and his presence in parliament would have been of little personal or general interest.

To sum up so far. A survey of the parliamentary attendance of the episcopate makes it clear that allowance must be made for a good deal of individual behavior but suggests that certain, fairly predictable, patterns emerge. Bishops of the greatest sees were uniformly consistent in attendance. Since these bishops were so frequently men of much experience in government and continuing active service to the crown, their attendance must be regarded essentially as purposeful professional activity. Over and above this, and no doubt as a direct consequence, such bishops seemed to regard attendance as a regular practice for life, even when they apparently no longer had a specific contribution to make. It is likely that sustained interest in government on the part of such bishops, with their continuing value as experienced councillors, and the developed tradition and status—both political and honorable—attaching to such greater sees, contributed something to this diligence. However, the notably inferior records of a handful of the aristocrats (often young) who managed to secure appointment to the greatest sees suggest that attendance did not depend upon the status of one's see as such

or even upon one's own private political affiliation. Active usefulness and experience in royal government seems the really decisive factor. The greater bishops, a priori the most influential members of the lords spiritual, seem to have attended very much as individual counsel to the crown rather than as independent magnates commenting upon governmental performance or as representatives of the church gathered to fight for its causes.

If we knew even a little more of what individual bishops said and did in parliament, this impression could be tested. As it is, we can only move on to note that the bishops from middling and lesser sees do seem to strengthen the impression. Bishops of governmental experience were still legion and mustered a good parliamentary record. Perhaps they were more likely than their greater brethren to allow old age to deter them, but there are too many imponderables to justify that conclusion. Probably their less exalted place in the hierarchy reflected a similarly more modest career and less influence in government, so that the usefulness of their presence waned accordingly with the passage of time. It may be worth noting that the several bishops, whose service to the crown, while considerable, had been of an essentially personal or spiritual kind, usually allowed their attendance to descend to a level comparable with that of bishops who had had little or no contact with the crown—especially after the passing of their royal patron. It could be added, too, that few bishops who had previously had such limited connection became involved to any great degree in royal service (ecclesiastical matters apart) after their promotion. When we come to the humblest of the sees (including those in Wales), secular clergy with little or no connection with the crown and confessors, monks and friars (often elderly men) figure more prominently. Rising royal servants would have declined such modest promotions, unwilling to exchange their rich

pluralities for episcopal status entailing some obligation to tend sees that were poor, even wild and remote.⁴³ Such lesser men did not attend parliaments often. Whatever attractions a few weeks of civilized company, formal dignity, and mixing with the mighty might be supposed to have offered, a place in parliament was apparently intended in normal times for those lords spiritual who had something specific to contribute to government. In short, most bishops who came did so to give expert service rather than to exercise an independent, political influence. And, if this is the case, then perhaps we should be wary of speaking of conscientiousness or diligence in assessing different individual records. While the way in which the upper house of parliament had developed allowed the lords to be a political assembly of the great men of the realm, it was their original role as the king's men, his counsellors and immediate lieutenants, which seems to have been more usually considered, at least in regard to the bishops.

These suggestions might be examined briefly, in the light of the whole episcopate's record of attendance from one parliament to the next. First, however, there is a more general factor, the influence of the convocation of Canterbury on attendance.⁴⁴ In the period under review, up to October 1435, thirty-eight sessions of parliament were held while the southern convocation was meeting or would meet immediately afterwards in the same locality. On no fewer than twenty of these occasions episcopal attendance in the parliament seems to have exceeded 70 percent of the theoretically possible total, and on only three occasions did it fall below 60 percent.⁴⁵ Remarkably, in only seven of the thirty-one parliamentary sessions of this same period when convocation was not meeting concurrently was a 70 percent attendance obtained, and on ten such occasions attendance fell below 60 percent, sometimes well below. Surely no amount of statistical inadequacy can undermine this

very marked difference. It was, of course, the bishops least connected with the crown, generally the lesser bishops in another sense, who accounted for the variation.

An obvious reason why the bishops might respond so much better when convocation met concurrently with parliament was the question of clerical taxation. Yet these same bishops should have had comparable interest in the discussions of taxation in parliament when a convocation had not been summoned.⁴⁶ For a long time the amount and sometimes the nature of the clerical grant were in practice determined in parliament. Furthermore, the bishops' own contribution was from their temporalities and bound by what was granted in parliament, not in convocation. Even so, bishops unconnected with royal affairs seem largely to have neglected the responsibility of speaking for the clergy in parliament unless convocation was meeting at the same time. More important still, it would be difficult to argue that those bishops who were in attendance did much better, if, as has been suggested, they came not to plead causes with the king but rather to lend him their advice and service. In view of the voluntary absence of so many of their "independent" colleagues, it seems unlikely that they saw themselves primarily as speaking on behalf of the clergy either with the king or the commons, or as critical judges of the king's demands on their own account. There were certainly occasions when they did so. Archbishop William Courtenay, for example, led strong resistance in 1384 to the commons' attempt to oblige the clergy to a particular level of subsidy.⁴⁷ Archbishop Thomas Arundel, and apparently other bishops too, reacted sharply to suggestions of short-term confiscation of ecclesiastical temporalities to alleviate the king's financial crisis in 1404.⁴⁸ Evidently it would be presumptuous to dismiss as "yes-men" all the bishops who attended, yet their usual contribution seems aimed at assisting the king's cause, even if that consisted of pointing out, from their

diocesan experience, problems that his demands or the commons' response would impose on their clergy. Although only tangential, all this is clearly not at odds with the view that in parliament it was the commons, not the lords, who were usually at the center of debates about granting taxation. Indeed, we may be led to sympathize with Dr. J. H. Denton's recent suggestion that the lower clergy, who are hardly ever referred to in the rolls of parliaments but who evidently did still send proxies to parliament, may have had a more important part to play than has customarily been supposed.⁴⁹

The bishops did not expect to speak formally on taxation in parliament. They also did not take the publicly critical attitude towards royal demands for subsidies made in convocation that the lower clergy did. They often acted alone and in concert as advocates for the crown. This may be simply a tribute to the firm control by erstwhile royal servants of the episcopal bench as a whole, but, if so, it would still be safe to say that for many bishops it was quite as much the proper concerns of the church as the king's business that brought them out of their dioceses. The fragments of record that do survive, notably (if perhaps not typically) in 1461, suggest that, having once traveled up, the bishops would all attend regularly at least upon the full formal meetings of the peers in parliament. And not infrequently convocation had to hang fire from day to day while they did so. But at least some would not attend upon particular meetings of lords when these were, in effect, no more than committees or subcommittees of royal counsellors or when they themselves had no direct expertise to bring to bear upon the agenda of such meetings.⁵⁰

A comparison of attendance at sessions when such parliamentary taxes were considered and granted as the clergy would be expected to match with those occasions when they were not, seems to bear out the suggestions made so far. There seems to be

no recurrent pattern of increased attendance in the former case or of any reduction in the latter. This is as true of parliamentary sessions held when the southern convocation was meeting so nearly concurrently and close by that a single journey would cover the two assemblies, as of parliaments summoned with no convocation nearby or in prospect. When convocation did not coincide with parliament at all, attendance at the former was still generally impressive. Several bishops who were consistently absent from parliament were likewise missing from convocation. In one or two cases this was so, even when there was no question of ill-health. However, other bishops customarily absent from parliament did attend convocation.⁵¹ Of the remainder, bishops with associations with the government attended quite as well as they did in parliament, and independents responded in much the same way as on those occasions when parliament provided an added attraction and, predictably, rather better than when they were summoned to parliament alone.

In dealing, then, with attendance in particular parliaments, one must beware of the danger of making too much of raw variations in the record of attendance, when each bishop constituted some 5 percent of the total and when the mere fact of the calling of a convocation alongside parliament seems to have guaranteed a respectable gathering. Even so, there do seem to be patterns, not only in the character of those who would attend most consistently but also in the timing of attendance in relation to impending political events. The register, in this latter respect, can at least be suggestive, if no more: detailed studies of particular episodes would be needed to establish valid causal connections. Here there is place only for a few general suggestions.

While peaks of attendance occurred, as might be expected, in the first parliament of every reign, they also seem to coincide with times of acute political uncertainty for the

crown. The bishops, at least, seem to have responded publicly to crises, although lack of information hinders us from assuming that the lords temporal reacted in the same way. There were, on the other hand, certain periods when attendance dropped especially low, as in the early 1380s, the 1390s, the early 1400s and, to a lesser extent, the 1420s.⁵² Allowance for the effects of old age duly made, was it only the uninvolved who were not attending or were some of those with experience of royal affairs also absent? Some of these years were certainly times when the king seemed to lack rapport with the great men of the realm, and at these and other times the abrupt end of a period of low attendance coincides with the onset of an acute political crisis. Demands for recourse to "natural counsellors" were at such times seriously meant, and the recent thin record of attendances of bishops in parliament may be one illustration of the fact.⁵³ Much will depend on identifying who had been absent and who not, when such instances are examined.

When attendance was unusually high, the greater bishops and leading lay peers could no doubt still exercise much influence over their less experienced colleagues by virtue of their standing, their expert knowledge, and their familiarity with parliamentary ways. Even so, an assembly that included (on the lords spiritual's side anyway) so many more members than usual, evidently attracted by contentious political circumstances, must have conducted itself rather differently. Those generally prepared to act as a consultative body assisting the government, advising the king and representing his views to the commons, were now augmented by others who had not such familiarity in government. Had these latter abandoned their diocesan routine and traveled to parliament merely to sit quiet and do nothing? As has been said, even regular attenders might on some such occasions have been disaffected and less ready than usual to be

helpful. The "Good Parliament" of 1376 is one instance where this does seem to have been so. However, while it is probably impossible to generalize about the causes and effects of these occasions of high attendance, it does seem that in many cases the lords spiritual were actually rallying to the king's cause. Not for nothing had the crown taken such an interest over the years in episcopal appointments.⁵⁴ The parliament of 1411 or that meeting in the wake of the first battle of St. Albans in 1455 may be cases in point where high attendance represented a rally to a beleaguered king. If on other occasions the bishops were ready to join critics of the king's administration, the records of attendance—1388 and thereafter or 1450–51 or 1454–55 are striking examples—make it only too clear that an "opposition" that did manage to take advantage of a meeting of parliament to assume control would be unwise to rely upon a continuance of full attendance, by the bishops anyway.

It would be both impertinent and thoroughly misconceived to work through the parliamentary history of the period, suggesting at every turn that the evidence of episcopal attendance demands revisions in interpretation of contemporary politics and government. Rather, a deliberately brief survey of episcopal attendance may serve to illustrate some of the general suggestions made so far.

The period began with very high attendance at the controversial "Good" and "Bad" Parliaments, and the first parliament of Richard II's reign, when arrangements for the minority were made. Attendance was also full at the Gloucester Parliament in 1378, when feelings still ran high concerning the conduct of government, and not least as this related to the church's own rights and privileges. After 1378 (the last time when a council of regency was appointed for the young king), attendance fell away, eventually to an unusually low level. On the whole it was those bishops with least ex-

perience in royal administration who were absent, together with a few former royal servants whose days (as it proved) were numbered and who had retired to their dioceses. The evidence does not suggest that the experienced and still-active members of the episcopate were voting with their feet against the government style of the young king and his court. When the attendance level did rise, it seems to be in reaction to an impending political crisis for which the inexperienced and the retired chose to reappear in strength. Although there was still nothing really "wonderful" about the bishops' attendance in 1386, their numbers were distinctly higher than they had been. Furthermore, the level of attendance was very high indeed for the parliaments of 1388. These were not only tumultuous but, by comparison with 1386, could be predicted to be so. Thereafter, attendance gradually fell away again. These were years when Richard II gradually recovered exclusive control of his government, moving towards rule through his household. It would be tempting to see the mediocre attendance of bishops at parliament as evidence of their alienation from the king, but again a head count suggests the less dramatic explanation. The absentees were the veterans and the inexperienced. An exception to prove the rule, the January parliament of 1390 was a unique occasion when the bishops had their own special incentive to arrive in notable strength—which they did—to comment on the reenactment of the Statute of Provisors. Otherwise, no crisis was expected: the king and the current experts met with the commons; the other bishops left them to it.

The events of 1397–99 were political crises by any standards, and there was extremely high attendance. After the earliest years of Henry IV's reign, it fell off markedly once more, this time perhaps much to the discomfort of the crown. An especially low point was reached in the autumn parliament of 1404 at Coventry, which may make the

anti-clerical criticism voiced in the time of that parliament easier to explain. Attendance then recovered sharply for the second session of 1406, after Henry IV had been seriously at odds with the commons. Indeed, the lords spiritual then continued to attend quite steadily, and even in some strength, until January 1410. Archbishop Arundel, it may be worth noting, was now—perhaps reluctantly—holding the great seal. The king's ill-health, his financial problems, and rising criticism from Prince Henry and his friends again created a crisis for the king. It seems worth remarking how the bishops fell away in attendance for the second session of 1410, when the prince held the reins, but returned in numbers to witness his dismissal in December 1411. If the bishops are at all typical of other lords, this apparent lack of sympathy with the prince's cause, when he was doing his best to promote it, may well help to explain why it failed. In February 1413, after a turbulent year verging on armed insurrection on the part of the prince, with the king's death imminent, attendance was massive. It was, in fact, greater than Henry V obtained for his first parliament shortly thereafter.⁵⁵

Henry V's interests abroad, notably in France and at the Council of Constance, often left the lords spiritual thinly represented as an estate in parliament; but when bishops who were in ill-health or overseas are discounted, the attendance of the remainder is quite impressive.⁵⁶ In November 1417, for example, only eight bishops at most turned up, but five more were at Constance, two sees were vacant, and two or even three bishops ill. Bearing this in mind, such a level of attendance was in fact rather better than in the years after 1422 when, despite the inclusion of several leading bishops on the regency council and in great offices, attendance was low. Admittedly, the effects of old age probably made a particular contribution at this time (six bishops died between February 1423 and July 1426, all but one

with a long career behind them), and convocation was rarely called to meet when parliament sat. It should, of course, be remembered that those bishops on the council would probably have been the regular attenders in any case and so added nothing to the potential number. The Gloucester-Beaufort quarrel of 1426 and the coronation of the king in 1429 seem each to have encouraged some revival in attendance. Much more, the alarmed reaction at home to the English diplomatic defeat at the Congress of Arras in 1435 provoked very high attendance in the next parliament. Less predictably, the failure of Cardinal Beaufort's peace initiative in 1439 did likewise, although in this case the level of attendance soon fell back, when parliament reconvened after a brief Christmas recess for a second session.

From 1445 the pattern of attendance of the bishops in sessions of parliament seems to require a different explanation. The episcopal bench from this time until the end of Henry VI's reign contained an unusually large number of men with little or no experience in secular government.⁵⁷ It had at least its quota of bishops in retirement. Furthermore, meetings of the convocation of Canterbury only rarely coincided with sessions of parliament.⁵⁸ For these reasons, only a modest level of attendance might be expected. Quite the reverse, however: attendance reached and, just as remarkably, maintained a very high level throughout the next fifteen years. Thus the lords spiritual in parliament assumed an unusual appearance: they were there in force from parliament to parliament, but they did not have at their head the usual phalanx of experienced, royal servants. This is not to say, however, that they were the less devoted to, or connected with, the dynasty. Far from it. The fact was, as recent studies have shown, that laymen had begun to take up careers and move into offices in royal service hitherto dominated by churchmen. Accordingly, with fewer such churchmen being advanced for

promotion, the episcopate was coming to include more theologians and ecclesiastics proper.⁵⁹ Often, however, these were men favored or employed by the crown in a very personal way. In times of controversy they might well indeed be reckoned *parti pris* to a much greater extent than their "civil servant" predecessors. They were, nonetheless, clearly limited in governmental experience and while, no less than before, the crown sought to bring in bishops as counsellors, there must be some considerable doubt as to their political weight or ability.

In this last phase of the period, when political concern on the part of the bishops was sustained at a generally high level, it is the troughs in the chart of attendance which are interesting. In February 1447 attendance at parliament at Bury St. Edmunds was probably very low, for a session which, by normal criteria, one would expect to have been well attended. Although few bishops may be thought of as possible partisans of the duke of Gloucester or prepared to come to his defense (which evidently they were not), the absence of many bishops from this parliament can only have reflected adversely upon the marquess of Suffolk's position. If Gloucester were to be brought to trial for treason, the lords spiritual could not themselves, under canon law, have been party to a judgment of blood. According to the precedent of 1397, they would have been asked to appoint a lay proctor, and in that way effectively consent to the duke's condemnation. The failure of so many bishops to attend may suggest that they knew they would be sent out during the main event but it may also suggest reluctance to imply support of the government's action against Gloucester. Certainly it meant thin attendance which cannot have helped Suffolk.⁶⁰ Such conjectures are supported by the fact that the bishops returned to parliament in strength for the several sessions of the parliament of 1449-50 (except the last session, at Leicester, in April 1450), a parliament

which saw the impeachment of Suffolk, the destruction of the administration he had led, and the rejection of his friends at court.⁶¹ When the next parliament met, in November 1450, the attendance was still high for the first session, at least by the more important bishops, and this was a parliament for which Richard, duke of York, had hoped a great deal. In the second session (January–April 1451) the number of these bishops attending was certainly smaller, and it diminished much further again at the last session which met in May 1451. By then the government was able to brush aside, almost contemptuously, what final attempts were made in York's favor. Certainly the few bishops present were solidly on the government's side, but since those who were now absent were almost all of them just as personally loyal, it may be thought that they were content with the government's recovery after Suffolk's fall and confident of its ability to dampen down the last embers of opposition.⁶² They themselves had been away from their dioceses long enough.

The episcopate returned in strength, however, for the first session of the parliament of 1453, at Reading, "the most co-operative one Henry ever met," after York's humiliation in the previous year (at Dartford).⁶³ Not surprisingly, the government kept this already long-serving parliament in being by prorogation after the collapse of the king's health in the summer, although for seven months no actual business was undertaken. Government was conducted through an informal, collective authority vested in the lords in support of the chancellor, Cardinal Kemp. This arrangement kept both Margaret of Anjou and the duke of York at bay. Only in March 1454, after Kemp's death, did York obtain a protectorship. Soon afterwards he instigated fines for absence—in response to a petition—against nine bishops, among other lords.⁶⁴ Four of these bishops indeed did not attend: Lacy of Exeter, Bekynnton of Bath and Wells, Lowe

of Rochester and Blakedon of Bangor, although the first had an exemption of long-standing and was certainly decrepit, and the second was also formally excused even though he had attended recent sessions. All four subsequently secured a moderation of their fines after examination of their excuses. So too did Bishops Bird of St. Asaph and Ashby of Llandaff, whose absence may, therefore, be assumed. Such moderations had been allowed for in the original measure as not detracting from the basic principle that all lords should regard themselves as duty-bound to be present. Carpenter of Worcester, Pecock of Chichester and de la Bere of St. Davids, however, gained no such remission, a most interesting fact because all three had actually been present in the parliament at some time or other. Carpenter, at least, whose itinerary is relatively well-recorded through the *acta* in his episcopal register, both came late and left early. All three had connections with the court, although Carpenter does not seem to have been actively partisan, certainly much less so than several others. It would be interesting to know how many other lords who were fined were similarly being penalized for withdrawal rather than absence, and, if so, whether their withdrawal was deliberate in the face of York's protectorate or whether, more probably perhaps, York (or possibly even the upper house as a whole, or parliament in general) was reacting sharply against all those who, for whatever reason, were refusing to assume the collective responsibility now demanded of them.⁶⁵ Since these three bishops (and nearly all the nine, in fact) were men who would not usually have been regarded as important for the functioning of parliament, York may indeed have been seeking to affirm an important principle, if only to protect himself. Certainly, for all their court affiliations, the bishops in question were no direct political threat to York, and, after all, their greater colleagues had remained at parliament to the end.

Following the first battle of St. Albans, episcopal attendance was high at the parliament of July 1455, a parliament which, despite the victory of the Yorkists in the field, saw them less than all-powerful and evidently subject to severe criticism. Attendance of bishops was probably scarcely lower in the November session when the commons had to press the lords into agreement that York should have the protectorship once more, and when again the matter of those absent was formally raised. Probably again, attendance was still at least as high early in 1456 when Henry VI dismissed York from office.⁶⁶ Through all this last period it seems very likely that the bishops, although politically inexperienced, were collectively among the most loyal of the court's supporters, many out of personal obligation to the king himself. The court, however, had little time for parliament, or was afraid of what might happen if it met. It was nearly four years, in very changed circumstances, before virtually every available bishop came to the Coventry Parliament in November 1459 and accepted the attainders of the Yorkists. On the other hand, although the evidence is far from complete, it seems probable, too, that nearly as many bishops attended the parliament of November 1460 when those attainders were reversed. As to their reaction to the more openly factional session of January 1461, the evidence is unfortunately lacking for most but the obvious adherents to either party. It need only be added, in conclusion, that nearly all made certain of attending Edward IV's first parliament in November 1461. In fact, to judge from Professor Roskell's findings, this was perhaps the end of the period in which the bishops were not only numerous but also much concerned with political and dynastic considerations from one session to another. Probably the house as a whole returned to its advisory role, with a reduced number attending, although, as Edward IV reverted to the practice of promoting lawyer-adminis-

trators, our earlier hypothesis would suggest still quite respectable levels of attendance overall.

The prime purpose of this paper has not been any detailed analysis of the political implications of the episcopate's record of attendance, which must be left to others. In conclusion, it should be recalled that, as Professor Roskell asserted, the bishops collectively had probably the best attendance record of any section of the upper house—not that any can be quantified—the greater of them (like their lay counterparts) being little less than devoted.⁶⁷ On examination, this record appears to be a reflection of their frequent experience and involvement as individuals in royal government rather than of any factor inherent in episcopacy or in the status of the greatest sees, and perhaps this characteristic does help to illustrate the nature and working of the upper house as being in normal times different from, rather than greater or lesser than, that of the commons. Certainly, Professor Roskell's findings in respect to the lay peerage underwrite this suggestion.

One might simply reflect finally, as a reminder of the overall human problem involved, that nearly three out of every four of the sessions of parliament required travel in the winter months, and that after 1380 the average age (at a guess) of the episcopate never fell below fifty. The apparently aged who could not travel were balanced by young bishops of noble origin who would not. Nearly all the bishops did have to travel to attend: they were not already with the king, but resident in their dioceses. Their itineraries show how late they would leave their departure; small wonder that they might arrive after the opening of the session, and often did. Likewise, they set off for home as soon as parliament and convocation were over. If this was the attitude of those most closely interested in the crown's affairs, small wonder that other bishops did not come of-

ten unless immediately concerned, and abbots frequently not at all. It is, then, no surprise that kings so often lacked "natural counsellors" among their "continual counsellors"—maybe it was not always for want of trying. When members of the episcopate came to parliament, they came not as politicians and magnates anxious for the opportunity to set the realm to rights, nor as the conscientious element among the oth-

erwise uncaring, but as busy men (for such they were) with responsibilities back home in their dioceses. They responded out of professional concern for their duty as individuals to the king but were anxious to see that duty done with dispatch. The bishops have not always been seen in this way, but it seems important that they should be, in evaluation both of themselves and of the working of the lords in parliament.

NOTES TO THE TEXT

1. For recent examples of very different viewpoints, see G. O. Sayles, *The King's Parliament of England* (London, 1975) and R. G. Davies and J. H. Denton (eds.), *The English Parliament in the Middle Ages* (Manchester, 1981), which both address themselves explicitly to many of the main points of contention. There has been a very important recent debate between, on the one hand, W. H. Dunham and C. T. Wood, "The right to rule in England: depositions and the kingdom's authority, 1327-1485," *American Historical Review* 81 (1976): 738-61, and C. T. Wood, "Celestine V, Boniface VIII and the authority of parliament," *Journal of Medieval History* 8 (1982): 45-62; and, on the other hand, J. W. McKenna, "The myth of parliamentary sovereignty in late-medieval England," *[English] H[istorical] R[evue]* 94 (1979): 481-506.
2. J. S. Roskell, "The problem of the attendance of the lords in medieval parliaments," *[Bulletin of the] I[nstitute of] H[istorical] R[esearch]* 29 (1956): 153-204 (reprinted with the same pagination in his *Parliament and Politics in Late Medieval England* (London, 1981), vol. 1). I would like to thank Professor Roskell for his comments upon an early draft of this paper.
3. *Ibid.*, p. 199. Although Professor Roskell's use of the terms is justifiable, it will be suggested in what follows that, for the secular prelates at least, terms such as "satisfactory," "dutiful" or "deplorable" might better be applied within the context of each individual's real obligation for attendance.
4. General and specific studies of members of the episcopate are legion, but see, e.g., J. T. Rosenthal, "The training of an élite group: English bishops in the fifteenth century," *Transactions of the American Philosophical Society*, new series 60, part 5 (1970); J. R. L. Highfield, "The English hierarchy in the reign of Edward III," *[Transactions of the] R[oyal] H[istorical] S[ociety]*, 5th series, 6 (1956): 117-38; R. G. Davies, "The episcopate," in *Profession, Vocation, and Culture in Later Medieval England*, ed. C. H. Clough (Liverpool, 1982), pp. 51-89.
5. In Table 2 the following bishops changed from regular attendance to regular absence in their later years: T. Bekynnton, H. Bowet, T. Brantingham, J. Buckingham, J. Harwell, W. Heyworth, E. Lacy.

- The first five had all served the crown in a long-term, secular capacity. Several other bishops missed the last sessions of parliament before their death.
6. Occasionally historians have done some clever things, for example, with the evidence of university degrees. However, because we rarely know the exact year of qualification in most cases in this period, and because graduation (especially to higher degrees) was not tied rigorously to any age in any case, the results would be either spurious or so vague as to be statistically unacceptable. Measuring the length of pre-episcopal careers as a guide to age is an equally misconceived exercise.
 7. *The Fane Fragment of the Lords' Journal of 1461*, ed. W. H. Dunham (New Haven, 1935). See also p. 77, note 274.
 8. See note 70 to the register for 1398. The fact of the session of 12 Feb. 1454 is merely noted, because the parliament was reconvened only two days later at Westminster. There is no relevant evidence concerning the episcopate.
 9. Perhaps too severely, absentees have been marked down in the register whom the crown summoned to attend but who also for very similar reasons were in no position to do so. All examples of these kinds are noted at their place.
 10. See p. 78.
 11. To rub salt in the wound, the episcopal registrar wrote in the record in 1437: "Memo. that many other things were done by the reverend father in God [Thomas Brouns] . . . but because the lord lived at Bromley, these *acta* were not obtained by Thomas Creme who occupied the registry; nor after his translation to the see of Norwich were they at any time restored or sent to the registry or archive of the bishop of Rochester"; Maidstone, Rochester DRO: Reg[ister of Thomas] Brouns, fol. 118v.
 12. Note has been made at the relevant points in the register where this possibility seems to require special notice. However, on the whole, bishops seem either to have attended the whole session or none of it. Diplomats returning from embassies are an obvious exception, but fortunately their movements are usually recorded elsewhere.
 13. The bibliography to my Ph.D. thesis, "The Episcopate in England and Wales, 1375-1443"

- (Manchester, 1974), is a substantial, although not complete, guide and indicates, too, the kind of ground covered for the years following, to 1461. Surviving episcopal registers, including fragments, are listed by D. M. Smith, *Guide to Bishops' Registers of England and Wales* (London: Royal Historical Society, 1981).
14. I am grateful to Professor A. L. Brown of the University of Glasgow for the results of his own survey of council records and charter rolls. While I have worked over the range of sources myself, I must acknowledge the many specialized monographs made freely available by their authors, especially theses, from which many relevant references have emerged. It is not possible to note them individually, but I have especially in mind the reconstructed itineraries of certain individual bishops, particularly those for whom no episcopal register survives. I am grateful to the College of Arms in London for permission to consult Ms. 2 H 13.
 15. At least four (maybe five) had certainly appointed proctors to the parliament.
 16. There must always be the general possibilities of unexpectedly rapid recovery from illness or changes in business commitments or priorities. Specifically, Henry Wakefield of Worcester in 1386 and William of Wykeham of Winchester in 1401, for example, seem to have arrived significantly late and may have been doing no more than displaying exemplary conscientiousness or guarding against uncertain commitments. Thomas Langley of Durham, too, who returned a proxy in Sept. 1429 but then attended, was absent (a rare event) from the second session, in the New Year; but the proxy had been on the grounds of ill-health. John Fordham of Ely (1401) and Thomas Bekynton of Bath and Wells (March 1453) actually held formal exemptions from attendance when, having made proctorial arrangements, they themselves attended.
 17. Two particular cases should be noted. John Harwell of Bath and Wells was evidently an invalid after 1380 and is marked absent, whether or not a proxy was returned: the existence or not of explicit evidence is marked in the register. Robert of Lancaster of St. Asaph, summoned 1414-33 (death), seems never to have attended and frequently sent letters of proxy. He is marked as probably absent throughout, with a note of whatever sparse evidence is available.
 18. See J. H. Denton and J. P. Dooley, *Representation of the Lower Clergy in Parliament, 1295-1340* (Royal Historical Society, London, 1985). This study indicates that the proctors did not merely present their principals' written apologies for absence and then depart, but played a more significant role in parliament.
 19. References for specific exemptions noted subsequently may be obtained from the complete lists of exemptions, 1327-1500, in Roskell, Appendix B, pp. 202-204.
 20. See, for example, the records of John Buckingham of Lincoln and Thomas Brantingham of Exeter in Richard II's reign and, later, after the ending of the collection in the series, SC 10, in the P[ublic] R[ecord] O[ffice], the practice, relatively rare among bishops, of Edmund Lacy of Exeter and Thomas Bekynton of Bath and Wells, who recorded in their episcopal registers their conscientious meeting of the obligation.
 21. A. R. Myers, "A parliamentary debate of the mid-fifteenth century," B[ulletin of the] J[ohn] R[ylands] U[niversity] L[ibrary of] M[anchester] 22 (1938): 388-404. See also W. H. Dunham, "Notes from the parliament of Winchester, 1449," *Speculum* 17 (1942): 402-15. Dunham questioned the precise institutional forum for the debate recorded. The two scholars extended their discussion to consider the intrinsic reliability of the evidence in question (see below, pp. 54, 74-5), but, for present purpose, Aiscough's presence in Winchester is not to be doubted, from the evidence of his own register.
 22. The exemption is listed by Roskell, who discusses the fines at pp. 189-91, and see p. 48.
 23. Thomas Arundel was prohibited from attendance in the current session after 19 Sept. 1397, and John Kemp died partway through a session, on 22 March 1454.
 24. For details in support of these particular remarks, see R. G. Davies, "Alexander Neville, archbishop of York, 1374-88," *Yorkshire Archaeological Journal* 47 (1975), especially pp. 93, 97. In the October parliament of 1383 Neville, with other magnates, was ordered to remain in the north to resist Scottish invasion (as he did), but he was already well into his period of absenteeism and, in any case, was not at this parliament.
 25. See G. Holmes, *The Good Parliament* (Oxford, 1975) and R. G. Davies, "The Anglo-papal concordat of Bruges, 1375. A reconsideration," *Archivum Historiae Pontificiae* 19 (1981): 97-146.
 26. There is a very substantial literature on the politics of episcopal appointments, but see, e.g., the essays listed in note 4; L.-R. Betchermann, "Appointments to bishoprics in the Lancastrian period," *Speculum* 41 (1966): 397-419; J. W. Dahmus, "Henry IV of England: an example of royal control of the Church in the fifteenth century," *Journal of Church and State* 23 (1981): 35-46. As to when the episcopate was politicized (always assuming that it was) in the fourteenth century, see the remarks by A. J. Duggan in *Zeitschrift für Kirchengeschichte* 94 (1983): 162-4.
 27. For Buckingham's record, I have relied very much upon the detailed itinerary presented by A. K. McHardy, "The Crown and the diocese of Lincoln during the episcopate of John Buckingham, 1363-98" (Oxford, D.Phil. thesis, 1972), pp. 559-602.
 28. The most important exception, of course, was in the case of the office of chancellor, which was almost always entrusted to a senior bishop. In practice, though not by any theory, a keeper of the privy seal who was episcopally promoted would often surrender the office fairly soon afterwards. Diplomacy could be a preoccupation for a few, especially at certain times. Some bishops in every reign continued after their promotions to fill a spiritual role

- at court, in particular in the office of confessor to the king, a matter for some critical contemporary comment.
29. Canterbury Cathedral, Priory Register G, fol. 227v, is explicit as to his blindness and general frailty, admittedly later, in 1381. His itinerary suggests his problems were of long standing and help explain why Innocent VI had been dubious about providing him, because of his inability to read under examination. Fortunately for the English church, such use of bishoprics as retirement homes seems to have been rare.
 30. He even absented himself from the parliament at Coventry in Oct. 1404.
 31. See Davies, Ph.D. thesis, vol. 3, pp. lxxii–iii.
 32. T. Walsingham, *Gesta Abbatum Sancti Albani*, ed. H. T. Riley ([R]olls [S]eries, 1869) 3: 493–95; [R]otuli [P]arliamentorum 4: 4, 16, 35, 62, 70, 95, for his appointments as a trier of petitions. He did send proctors in Feb. 1406; PRO SC10/43/2101.
 33. After 1422 the two assemblies rarely met at the same time; see below notes 44 and 58.
 34. Roskell, p. 199, sums up the attendance record of the parliamentary abbots as “normally deplorable.” A. M. Reich, *The Parliamentary Abbots to 1470* (University of California, 1941), says nothing about the subject in this period.
 35. R. J. Knecht, “The episcopate and the Wars of the Roses,” *University of Birmingham Historical Journal* 6 (1958): 108–31, provides excellent and specific context for the latter end of the period.
 36. R. G. Davies, “Martin V and the English episcopate,” *EHR* 92 (1977): 337–39.
 37. *Proceedings and Ordinances [of the] Privy Council of England*, ed. N. H. Nicolas (Record Commission, 1837) 6: 280. He had also missed the session of April–June 1450, during his tenure of the see of Hereford, although that was, relatively, a generally less well-attended session.
 38. See *Calendar of State Papers . . . Milan*, ed. A. B. Hinds (London, 1912) 1: 63–64. Beauchamp defected to York’s side before the “unlucky” second battle of St. Albans, after which “for me and for many thousands besides no place seemed safe.” But Edward IV, as Beauchamp wrote, retrieved the situation and thought well of him. “From the king, his predecessor, under whom I grew up almost from the cradle, I could not presume such favour.”
 39. *Calendar of Patent Rolls, 1429–36*, (H.M.S.O., London, 1907) p. 453.
 40. *Registrum Thome Spofford*, ed. A. T. Bannister ([Canterbury] & [York] [S]oc., London 1919), pp. 56–57, 165–67, 251–52; *Official Correspondence of Thomas Bekynton*, ed. G. Williams (RS, London, 1872) 1: 1–3. He pleaded tertian fever when absenting himself from the great council in 1424, which can indeed be recurrent, but it has never been diagnosed as an allergy brought about in an otherwise healthy person by a summons to an assembly; *Registrum* p. 48.
 41. However, our informant, the author of the *Historia vnae et Regni Ricardi Secundi* (ed. G. B. Stow, Philadelphia, 1977), who knew Tideman as his local bishop, remarked (p. 165) that after the revolution of 1399 he never again came to the royal court. He may well then have shared John Burghill’s political exile but whether by his own wish, that of the new king, or probably both, is not evident.
 42. Roskell, p. 199.
 43. Translations from the lesser to the greater sees were, in fact, surprisingly rare in this period.
 44. From 1376 to the end of Richard II’s reign in 1399 there were eighteen occasions when parliament and the southern convocation overlapped and were held in the same locality, as against ten when they met at different times or when no convocation was called at all in the meantime. In Henry IV’s reign the ratio is only seven to six. Henry V began with three occasions when the two meetings were entirely divorced but thereafter, no doubt for reasons of financial organization in time of war, caused them to meet simultaneously on seven occasions out of nine. The regency council had the southern convocation in nearby attendance at only six sessions of parliament, 1422–35, this being partly attributable to the more frequent duration of parliament for more than one session. (There were ten separate parliaments and sixteen sessions in these years.) The same factor applies after Henry VI came of age, when only twice (in Nov. 1439 and Nov. 1449) was convocation on hand, out of twenty-seven sessions of parliament (not counting the two single-day sessions). However, we are speaking of twelve separate parliaments, so the divorce does seem to have been made explicit and virtually complete. If there was a deliberate scheme to ensure that parliament and convocation met at the same time for the purpose of granting taxes, the scheme gradually broke down and was abandoned (see note 58).
 45. The references to percentages in this paper, based on Table 1 and implicit also in the discussion of rising and falling attendance, require some justification. Basically, the record of the bishops of each see has been first calculated over set periods, usually a reign—1376–98, 1399–1421, 1422–35, 1437–61—to eliminate the unknown element, and then an overall figure has been deduced (weighted by the number of sessions in each period, not by its length). Obvious objections to this method can be raised. For example, the performance of a bishop whose record of attendance can be reconstructed fully ought not to be taken automatically as a fair indication of that of an altogether dissimilar predecessor/successor whose own record cannot be pieced together so well. However, on closer examination (see Table 2), such ad hominem anomalies as need adjustment seem to arise very rarely. Some discretion has been exercised where a bishop seemed almost certain to have given up attendance altogether. In fact, if alternatively, unknowns were assumed to follow the same ratio as known attenders and absentees on any single occasion, the result in percentage terms would be very little different, although the weighting of the surviving evidence towards the greater sees would slightly understate the degree of absenteeism. It should be emphasized,

- however, that the unknown element, while variable in size and effect, remains a small part of the whole, save for the humblest dioceses, and that, for purposes of present discussion, statistical precision has been used only as a convenient basis for broad impression: it should not be taken literally, and so the results are not presented in this paper in tabular form; thus may the unwary be protected from error and the quantifiers from themselves.
46. Specifically on this point, see A. K. McHardy, "The representation of the English lower clergy in parliament during the later fourteenth century," in *Studies in Church History*, ed. D. Baker, 10 (Oxford, 1973): 97-107, and J. H. Denton, "The clergy and parliament in the thirteenth and fourteenth centuries," in Davies and Denton pp. 88-108. These provide references to the considerable literature concerning the relationship between convocation and parliament, although the subject is far from exhausted. I am grateful to Dr. Denton for much helpful comment on an early draft of this paper.
 47. J. H. Dahmus, *William Courtenay, archbishop of Canterbury, 1381-96* (Philadelphia, 1966), pp. 164-71.
 48. T. Walsingham, "Annales Ricardi Secundi et Henrici Quarti," in *Johannis de Trokelowe et Henrici de Blanford Chronica et Annales*, ed. H. T. Riley (RS, London, 1866), pp. 391-94. B. P. Wolfe, *The Royal Demesne in English History* (London, 1971), pp. 245-47, made an interesting case for redating the incident to the parliament of Oct. 1399 which merits further consideration.
 49. See Denton, "Clergy and parliament"; Denton and Dooley, *Representation of the lower clergy*.
 50. For Nov.-Dec. 1461, see Dunham, *The Fane Fragment*. There is general agreement that a variety of meetings would be inspired or necessitated by the work of a parliament then as now, involving different groups of commons and lords and those engaged in the promotion of the business raised in and by the parliament; see, conveniently, A. R. Myers in *BIHR* 51 (1978): 80-81.
 51. John Burghill of Coventry and Lichfield abstained entirely. It has already been noted that he may have been virtually unique as *persona non grata vis à vis* both the king and his archbishop. William Heyworth of Coventry and Lichfield was erratic but attended convocation more often than he did parliament, although ceasing to do so some five years before, in 1439, he was granted his formal exemption from parliamentary attendance. Edmund Lacy of Exeter's record was notably better until, likewise, his ill-health was formally declared, and Henry Despenser of Norwich was quite regular. It should be emphasized for clarification that, in the decade after 1422, parliament and convocation rarely met at the same time and place, so there is nothing anomalous in the records of Lacy and Heyworth to imply that a meeting of parliament actually discouraged them from attending a convocation summoned for the same time.
 52. Attendance was also low in some of Henry V's parliaments, but this is attributable to the king's deployment of so many bishops elsewhere.
 53. For the problems of kings in securing counsel that satisfied both themselves and parliamentary critics, see A. L. Brown, "The commons and the council in the reign of Henry IV," *EHR* 79 (1964): 1-30; J. L. Kirby, "Councils and councillors of Henry IV, 1399-1413," *TRHS*, 5th series, 14 (1964): 35-66; R. Virgoe, "The composition of the king's council, 1437-1461," *BIHR* 43 (1970): 134-60.
 54. See references cited in note 26.
 55. See P. McNiven, "Prince Henry and the crisis of June 1412," *History* 65 (1980): 1-16.
 56. Cf. C. Rawcliffe and L. Clark, "The History of Parliament, 1386-1422: a progress report" (paper presented to the Colloquium on Recent Research in Fifteenth-Century History, Reading, July 1983), p. 8, who comment upon "the diminished importance of parliament itself during the absence overseas of the king and many of the magnates of the realm" and the apparent disinclination of leading county figures to be elected to the commons in such circumstances. (An extended version of this paper appeared in *Medieval Prosopography*, Autumn, 1983.)
 57. See my essay, cited in note 4, especially pp. 59-62.
 58. The convocation of Canterbury had never accepted in principle that its level of subsidy to the king should be predetermined by that granted by the laity in parliament, although often in practice it was, and the commons had sometimes looked explicitly for a guarantee or made it a condition that the clergy would at least keep in line. During Henry VI's adult reign the convocation of Canterbury adopted *de facto* a habit of granting a subsidy to the king of one tenth payable in two annual installments, and it came to be summoned to meet only as and when this consent needed renewal. As this custom became regularized, the need to synchronize meetings with those of parliament became less obvious. (In fact, the clergy—by shows of reluctance and the fixing of the dates for payment of each installment—contrived to average their tenth out at one every three rather than two years.) The government did not accept this growing tradition gladly. It pressed unsuccessfully, for example, for a second tenth in 1446, only to be told that the first had only been granted on condition of convocation's immediate dissolution! The government managed to obtain marginal additional impositions from time to time on a few of those exempt for some reason from the tenth, and in July 1449 it resorted to forcing convocation into a levy on all stipendiary clergy under the guise of a fine for a general pardon. In July 1450, in a crisis, it could only persuade convocation to grant the next biennial tenth after the current one in advance (i.e. taking the grants through to Nov. 1453), which at least provided a basis for loans against such future revenues. (The only additional grant the beleaguered government could obtain was a levy of two shillings in the pound on those religious and others who were customarily exempt from the tenth by royal license. This was ostensibly granted to the archbishop for the defense of the church but he then

made it over to the king.) In March 1453 convocation agreed to such a four-stage program again, to run to Nov. 1456. At that point the Lancastrian government had determined not to meet a parliament (although there were great councils), and presumably this was why the clergy also escaped any further levy in the dynasty's last years. In May 1460 the southern convocation was called to resume its payments, but political events overtook it, and its next tenth (granted in July 1461) was to the dynasty of York.

59. R. L. Storey, "Gentleman-bureaucrats," in *Profession, Vocation, and Culture*, ed. Clough especially pp. 109–21, analyzes the trend from ecclesiastics to laymen in royal offices, with illustrative lists. For changes in the composition of the episcopate during this period, in terms of academic qualification, see R. G. Davies, "The episcopate," in the same volume, especially pp. 57–66.
60. As it turned out, the lords were not called in the end to take any formal view of Gloucester's record. For recent accounts, see R. A. Griffiths, *The Reign of King Henry VI* (London, 1981), pp. 495–99, and B. P. Wolffe, *Henry VI* (London, 1981), pp. 129–32.
61. British Library, Harleian Ms. 6849, fol. 77, purports to record the attendances of some lords in the session at Winchester, 16 June–16 July 1449, and was printed by Myers in B.J.R.U.L.M., 22. W. H. Dunham doubted its veracity ("The books of the parliament" and 'The old record,' 1396–1504," *Speculum* 51 (1976): 694–712), but it was defended by Myers once more ("A parliamentary debate of 1449," *BIHR* 51 (1978): 80–81). To the strength of Myers's arguments may be added the point that the evidence can be corroborated, but never compromised, from other sources in the case of several bishops, both regarding some of those said to have attended and some who are not mentioned and were indeed absent. It is most improbable, following up Dunham's hypothesis, that a "forger," using another list, from 9 Feb. 1450, contained in College of Arms Ms. 2 H 13, fol. 388, could have created the list. True, the bishop of Lincoln, William Alnwick, who is in neither the 1449 list nor the report of the debate at Winchester but was certainly at the parliament throughout, died before 9 Feb. 1450, leaving the see vacant. Hence, Dunham might have argued, the forger was not tempted to use Lincoln too in his 1449 reconstruction, even though as it happens he would have been safe in doing so. But the 1449 list is no less convincing for omitting Alnwick. As Myers pointed out, Ely and Salisbury, whose names are also omitted from the list but who were certainly in the parliament, were not transferred from the 1450 list as they could have been. Furthermore, Hereford and London are on the list of 9 Feb. 1450, and did indeed attend that session, whereas in 1449 Hereford was absent and the see of London was vacant. The correct absence of their names from the 1449 list makes it yet more improbable that this letter is a forgery of the kind Dunham proposed.
62. Beauchamp of Salisbury and Bouchers of Hereford, however, as has been noted, may have been exercising political prudence.
63. Wolffe, *Henry VI*, p. 263.
64. Roskell, p. 190 n. 3, details all the fines and subsequent remissions.
65. *R.P.* 5: 242.
66. *Procs. & Ords. P.C.* 6: 279–82, for the notices to absentees on 15 Dec. to mend their ways. In such circumstances as pertained in 1455–56, as elsewhere, further detailed examination may of course lend particular significance to individual cases of absenteeism.

Register of the Attendance at Parliaments of Bishops of Dioceses in England and Wales, 1376-1461

Notes and abbreviations.

1. *Suffixes:* *d* The bishop was in his diocese.
e The bishop had formal exemption from attendance.
p Proctors are known to have been appointed by the bishop, who expected to be absent.
t The bishop was appointed as a trier of petitions in the parliament. (This is only indicated when there is no other evidence of attendance or when the bishop appears to have been absent.)

Where no other evidence has been found, *e* and *p* are taken to suggest absence (the bishop's name being bracketed), *t* to suggest attendance.

2. Where the bishop was in the process of completing an appointment or translation during the course of a parliamentary session, details of the principal stages of the process and other apparently relevant information are given in footnotes. Appropriate abbreviations are as follows:

cons.: consecration.

prov.: papal provision.

spirits.: spiritualities restored by the archbishop.

temps.: temporalities restored by the king (and/or by the archbishop of Canterbury in the case of Rochester).

trans.: papal translation.

3. When a see was vacant, the *cust[os] sp[iritualitatum]* was summoned, and required besides to organize the response of the diocesan clergy, as the bishop would have done (see *R[ep]orts from the Lords' Committees touching the D[ignity of a] P[eer of the Realm]*, vol. 4). Sometimes, when a bishop was known to be certainly or probably absent—usually abroad—the summons was addressed to him or his vicar-general; and also, in fact, if the bishop was expected to be otherwise occupied outside his diocese and out of touch with his administration around the time of the parliament's meeting. This was not, however, the practice in the case of any bishop known, for example, to be a permanent invalid, and so it appears to have been a safeguard used only if the bishop was not, or would not be, able to supervise (at least in formal terms) his own response and that of his diocesan clergy to the summons. In what way a vicar-general or a *custos* was supposed to respond to a personal summons remains a subject for discussion; no evidence of actual attendance at parliament, or of proctors appointed, by such an official appears to have survived.

4. When dates are uncertain, the closest identifiable limits are indicated, e.g., 16 × 22 April.

1. 28 April-10 July 1376: *Westminster*.

Present: Canterbury, York, Durham, Winchester, London, Lincoln, Norwich, Ely, Salisbury, Bath & Wells *p*,¹ Exeter, Worcester, Hereford, Rochester, Carlisle, St. Davids, St. Asaph.²

Absent: Coventry & Lichfield *pd*.

*Not known:*³ Chichester, Llandaff.

Vacant: Bangor.

2. 27 January-2 March 1377: *Westminster*.

Present: Canterbury, York, Durham, London, Lincoln, Norwich, Ely, Salisbury, Worcester, Hereford,⁴ Chichester, Rochester, St. Davids, St. Asaph, Bangor, Llandaff.

Absent: Exeter *pd*, Coventry & Lichfield *pd*, Carlisle *pd*.

Not known: Bath & Wells.⁵

Not summoned: Winchester.⁶

3. 13 October-28 November 1377: *Westminster*.

Present: Canterbury, York, Durham, Winchester, London, Lincoln, (Norwich *t*),⁷ Ely,

Salisbury, Bath & Wells, Exeter, Worcester, Hereford, Chichester, Rochester, St. Davids, St. Asaph, Bangor.

Absent: Coventry & Lichfield *pd*, Carlisle *dt*.

Not known: Llandaff.⁸

4. 20 October–?16 November 1378: Gloucester.

Present: Canterbury, York, Durham, Winchester, London, Lincoln, Norwich, Ely, Salisbury, Bath & Wells, Exeter, Worcester, (Hereford *t*), Chichester *p*, (Rochester *t*), (Carlisle),⁹ St. Davids, (Bangor *t*).

Absent: Coventry & Lichfield *pd*, (St. Asaph *pt*).¹⁰

Not known: Llandaff.

5. 24 April–27 May 1379: Westminster.

Present: Canterbury, Durham, Winchester, London, Lincoln, Ely, Salisbury, Bath & Wells, Exeter, (Hereford *t*), Chichester, Rochester, St. Asaph.

Absent: York *pd**t*, Norwich *pd*, Coventry & Lichfield *pd*, Worcester *pd*, Carlisle *d*, St. Davids *pd*?, Bangor *p*.¹¹

Not known: Llandaff.¹¹

6. 16 January–3 March 1380: Westminster.

Present: Canterbury, York, Durham, Winchester, London, Lincoln, Ely, Salisbury, Bath & Wells, Exeter, Hereford, Chichester, Rochester, St. Asaph, Bangor.

Absent: Norwich *pd*, Coventry & Lichfield *pd*, Worcester *pd*, Carlisle *d*, (St. Davids),¹² Llandaff *p*.¹¹

7. 5 November–6 December 1380: Northampton.

Present: Canterbury, (Durham *t*), Winchester, London, Lincoln, Ely, Salisbury, Exeter, Hereford, Rochester, (Carlisle),¹³ St. Asaph, Bangor.

Absent: York *pd**t* (and in Newcastle-upon-Tyne), Norwich *d*, Bath & Wells *p*,¹⁴ Coventry & Lichfield *pd*, Worcester *d*, Llandaff *pd*?.¹⁴

Not known: Chichester,¹⁴ St. Davids.¹⁴

8. (i) 3 November–(13 December) 1381: Westminster.

Present: Canterbury,¹⁵ York, (Durham),¹⁶ Winchester, Lincoln, Norwich, Ely, Salisbury, Exeter, Worcester, Hereford.

Absent: Bath & Wells *pd*, Coventry & Lichfield *d*, (Llandaff *p*).

Not known: Chichester, Rochester, Carlisle, St. Davids, St. Asaph, Bangor.

Vacant: London.¹⁵

(ii) (24 January)–25 February 1382: Westminster.

Present: Canterbury, (Durham),¹⁷ Winchester, London,¹⁸ Norwich, Ely, Salisbury, Exeter, (Hereford),¹⁹ Rochester, Bangor.

Absent: York *pd*, Lincoln *d*, (Bath & Wells *d*),²⁰ Coventry & Lichfield *d*, Carlisle *d*.

Not known: Worcester,²¹ Chichester, St. Davids, St. Asaph, Llandaff.

9. 7 May–22 May 1382: Westminster.

Present: Canterbury, Durham, Winchester, London, Lincoln, Salisbury, Exeter, Hereford, Rochester.

Absent: Norwich *d*, Ely *dt*, Bath & Wells *d*?²² Coventry & Lichfield *d*.²²

Not known: York,²³ Worcester,²⁴ Chichester, Carlisle, St. Davids, Bangor, Llandaff.

Vacant: St. Asaph.

10. 6 October–24 October 1382: Westminster.

Present: Canterbury, (Durham *t*), Winchester, Lincoln, London, Norwich, Ely, Salisbury, Exeter, Hereford.

- Absent:* York *pd*, Bath & Wells *p*, Coventry & Lichfield *pd*, Worcester *pd*, (Chichester *p*), (St. Davids *p*).
Not known: Rochester, Carlisle, Bangor.
Vacant: St. Asaph, Llandaff.
11. 23 February–10 March 1383: *Westminster*.
Present: Canterbury, Winchester, London, Norwich, Ely, Salisbury, Exeter, Worcester, (St. Asaph).²⁵
Absent: York *pd*, (Durham *p*),²⁶ Lincoln *pd*, Bath & Wells *p*, Coventry & Lichfield *pd*, (Hereford *t*),²⁷ (Chichester *p*), Rochester *pd*, (St. Davids *p*).
Not known: Carlisle, Bangor.
Vacant: Llandaff.
12. 26 October–26 November 1383: *Westminster*.
Present: Canterbury, Winchester, London, Lincoln, Norwich, Ely, Salisbury, Exeter, Hereford, (St. Davids *t*),²⁸ (Llandaff).²⁹
Absent: York *d*, (Durham),³⁰ Bath & Wells *d*, Coventry & Lichfield *d*, Worcester *d*.
Not known: Chichester, Rochester, Carlisle, St. Asaph, Bangor.
13. 29 April–27 May 1384: *Salisbury*.
Present: Canterbury,³¹ Winchester, London, Lincoln, Norwich, Ely, Salisbury, Exeter, Hereford, Worcester, Llandaff.
Absent: York *d*, (Durham),³² Bath & Wells, Coventry & Lichfield *d*, Rochester *d*.
Not known: Chichester, Carlisle, St. Davids, St. Asaph, Bangor.
14. 12 November–14 December 1384: *Westminster*.
Present: Canterbury, Winchester, London, Lincoln, (Norwich),³³ Ely, Salisbury, Exeter, Hereford, Bangor, Llandaff.
Absent: York *pd*, (Durham *pt*), Bath & Wells *p*, Coventry & Lichfield *pd*, Worcester *pd*, (Chichester *p*), (Rochester *p*), St. Davids *pd*,³⁴ (St. Asaph *p*).
Not known: Carlisle.
15. 20 October–6 December 1385: *Westminster*.
Present: Canterbury, York, Winchester, London, Ely, Salisbury, Exeter, (Coventry & Lichfield),³⁵ Worcester, Hereford, Llandaff.
Absent: Durham *dt*, Lincoln *ep*, Bath & Wells *d*, (Rochester *p*), (Bangor *p*).
Not known: Carlisle, St. Davids, St. Asaph.
Not summoned: Norwich *d*.³⁶
Vacant: Chichester.
16. 1 October–28 November 1386: *Westminster*.
Present: Canterbury, York, Durham,³⁷ Winchester, London, Ely, Salisbury, Bath & Wells,³⁸ Exeter, Coventry & Lichfield,³⁹ Worcester *p*,⁴⁰ Hereford, Chichester.
Absent: Lincoln *epd*, Norwich *d*, Rochester *pd*, Carlisle *d*, (St. Davids *p*), (St. Asaph),⁴¹ (Bangor *p*).
Not known: Llandaff.
17. (i) 3 February–(20 March) 1388: *Westminster*.⁴²
Present: Canterbury, Durham, Winchester, London, Norwich, Ely, Salisbury, Bath & Wells, Exeter, Coventry & Lichfield, Worcester, Hereford, Chichester, Rochester, Carlisle, Bangor, Llandaff.
Absent: York (*in flight*), Lincoln *epd*, St. Davids *pd*, (St. Asaph *p*).

(ii) (13 April)–4 June 1388: *Westminster*.⁴³

Present: Canterbury, Durham,⁴⁴ Winchester, London, Norwich,⁴⁵ Ely, Exeter, Coventry & Lichfield,⁴⁶ Worcester, Hereford, Chichester.⁴⁷

Absent: York (*in flight*), Lincoln *ed*, Salisbury *d*.

Not known: Bath & Wells, Rochester, Carlisle, St. Davids,⁴⁸ St. Asaph,⁴⁸ Bangor, Llandaff.

18. 9 September–17 October 1388: *Cambridge*.⁴⁹

Present: Canterbury, Durham, Winchester, London, Norwich, Ely, Salisbury, Bath & Wells, Coventry & Lichfield, Worcester, Hereford, (Bangor).⁵⁰

Absent: Lincoln *ed*, Exeter *d*, Carlisle *d*.

Not known: Rochester, St. Davids, St. Asaph,⁵¹ Llandaff.

Vacant: York.⁵²

Vicar-general summoned: Chichester.⁵³

19. 17 January–2 March 1390: *Westminster*.

Present: Canterbury, York, Durham, Winchester, London, Lincoln *e*, Norwich, Salisbury, Bath & Wells, Coventry & Lichfield, Worcester, Hereford, Rochester,⁵⁴ St. Davids.

Absent: Ely *pd*, Exeter *epd*.

Not known: Carlisle, Bangor, Llandaff.⁵⁴

Vacant: Chichester, St. Asaph.⁵⁵

20. 12 November–3 December 1390: *Westminster*.

Present: Canterbury, York, Durham, Winchester, London, (Ely),⁵⁶ Salisbury, Bath & Wells, Coventry & Lichfield, Hereford, St. Davids.

Absent: Lincoln *ed*, Norwich *d*, Exeter *ed*, Worcester *d*, (Rochester *d*).⁵⁷

Not known: Chichester, Carlisle, St. Asaph, Bangor, Llandaff.

21. 3 November–2 December 1391: *Westminster*.

Present: Canterbury, York, Durham, (Winchester),⁵⁸ London, Norwich, Ely, Salisbury, Bath & Wells, Coventry & Lichfield, Worcester *p*,⁵⁹ Hereford, (Chichester),⁶⁰ St. Davids,⁶¹ St. Asaph.

Absent: Lincoln *epd*, Exeter *epd*, Rochester *pd*, (Llandaff *p*).

Not known: Carlisle, Bangor.

22. 20 January–10 February 1393: *Winchester*.

Present: Canterbury, York, Winchester, London, Salisbury, Bath & Wells, Coventry & Lichfield, Hereford, (St. Davids *t*).

Absent: (Durham *p*), Lincoln *epd*, Norwich *pd*, Ely *pd*, Exeter *epd*, (Worcester *p*),⁶² Rochester *pd*, (Bangor *p*), (Llandaff *p*).

Not known: Chichester, Carlisle, St. Asaph.

23. 27 January–6 March 1394: *Westminster*.

Present: Canterbury, York, Winchester, Lincoln *e*, London, Salisbury, Bath & Wells, Worcester, Hereford.

Absent: (Durham *p*), Norwich *pd*, Ely *pd*, Exeter *epd*, Coventry & Lichfield *dt*, Rochester *pd*, St. Davids *t* (*at Southam, Gloucs.*), Bangor *d*.

Not known: Chichester, Carlisle, St. Asaph.

Vacant: Llandaff.⁶³

24. 27 January–15 February 1395: *Westminster*.

Present: Canterbury, York, Durham, Winchester, London, Ely, Salisbury, Bath & Wells, Worcester, Hereford.

Absent: Lincoln *ed*, Norwich *pd*, Coventry & Lichfield *pd*, Rochester *d*, (Bangor *p*).

Not known: Chichester,⁶⁴ Carlisle, St. Davids,⁶⁴ Llandaff.

Vacant: St. Asaph, Exeter.

25. 22 January–12 February 1397: *Westminster*.

*Present:*⁶⁵ Canterbury, (York t), Winchester, London, Norwich, Ely, Salisbury, Exeter, Coventry & Lichfield, Worcester, Hereford, Chichester, St. Asaph, Bangor.

Absent: (Durham p),⁶⁶ Lincoln ed, Bath & Wells ep, (Rochester p).

Not known: St. Davids, Llandaff.

Vacant: Carlisle.

26. (i) 17 September–(29 September) 1397: *Westminster*.

Present: Canterbury,⁶⁷ York, Durham, Winchester, London, Norwich,⁶⁸ Ely, Salisbury, Exeter, Worcester, Hereford, Chichester, Carlisle, St. Asaph, Bangor, Llandaff.

Absent: Lincoln ed, Bath & Wells e, Coventry & Lichfield (at *papal curia*).

Not known: Rochester.⁶⁸

Vacant: St. Davids.⁶⁹

(ii) (27 January)–31 January 1398: *Shrewsbury*.⁷⁰

Present: Canterbury, Winchester, London, Ely, Exeter, St. Davids, Bangor.

Absent: Lincoln ed, Norwich (in London), Bath & Wells e, Coventry & Lichfield (at *papal curia*).

Not known: Durham,⁷¹ Salisbury, Worcester, Hereford, Chichester, Rochester, Carlisle, St. Asaph, Llandaff.

Vacant: York.

(27. 30 September 1399: *Westminster assembly*).⁷²

Present: Canterbury,⁷³ York, London, Lincoln, Norwich, Exeter, Hereford, Rochester, St. Davids, St. Asaph.

Absent: Bath & Wells e, Chichester d.

*Not known:*⁷⁴ Durham e, Winchester, Ely, Salisbury, Coventry & Lichfield, Worcester, Carlisle,⁷⁵ Llandaff.

Vacant: Bangor.

28. 6 October–19 November 1399: *Westminster*.

Present: Canterbury, York, Durham e, Winchester, London, Lincoln, Norwich, Ely, Salisbury, Exeter, Coventry & Lichfield, Worcester, Hereford, Chichester, Rochester, Carlisle,⁷⁶ St. Davids, St. Asaph, Llandaff.

Absent: Bath & Wells e.

Vacant: Bangor.⁷⁷

29. 20 January–10 March 1401: *Westminster*.

Present: Canterbury, (York),⁷⁸ Durham e, Winchester p,⁷⁹ London, Lincoln, Norwich,⁸⁰ Ely ep,⁸¹ Salisbury, Exeter, Hereford, Rochester, St. Davids, St. Asaph, Bangor, Llandaff.

Absent: Coventry & Lichfield epd,⁸² Worcester d, Chichester pd.

Not known: Carlisle.⁸³

Vacant: Bath & Wells.

30. 30 September–25 November 1402: *Westminster*.

*Present:*⁸⁴ Canterbury, York,⁸⁵ London, Lincoln, Norwich, Ely, Salisbury, Bath & Wells, Exeter, Worcester, Hereford, Chichester, Rochester, St. Davids.

Absent: Durham ep, Winchester pd, Coventry & Lichfield pd, (Llandaff).⁸⁶

Not known: Carlisle, St. Asaph, Bangor.

31. 14 January–20 March 1404: *Westminster*.

Present: Canterbury, (York t),⁸⁷ Lincoln, Norwich, Ely,⁸⁸ Worcester, Hereford, Rochester, St. Davids.

Absent: Durham *epd*, Winchester *pd*, (London *p*),⁸⁹ Salisbury *pd*, Bath & Wells *dt*, Exeter *pd*, Coventry & Lichfield *pd*, Chichester *pd*, Carlisle *d*.
Not known: St. Asaph, Bangor,⁹⁰ Llandaff.

32. 6 October–13 November 1404: *Coventry*.

Present: Canterbury, York, Lincoln, Ely, (Bath & Wells *t*), Exeter, Chichester.
Absent: Durham *epd*, Norwich *pd*, Salisbury *pd*, Coventry & Lichfield *pd*, Worcester *pd*, Hereford,⁹¹ (Carlisle *p*), St. Davids (*at Charlton, Kent*), St. Asaph (*defected*).⁹²
Not known: Llandaff, Bangor.⁹³
Vacant: Winchester,⁹⁴ London, Rochester.⁹⁵

33. (i) 1 March–(3 April) 1406: *Westminster*.

Present: Canterbury, Winchester,⁹⁵ Lincoln, Ely, (Bath & Wells *t*), Exeter, Worcester, Hereford, St. Davids.
Absent: Durham *epd*, Norwich *d*, Salisbury *pd*, Coventry & Lichfield *pd*, Chichester *d*, (Carlisle *p*), (Llandaff).⁹⁶
Vacant: York, London, Rochester.
Not summoned: St. Asaph,⁹⁷ Bangor.⁹⁸

(ii) (25 April)–(19 June) 1406: *Westminster*.

Present: Canterbury, Winchester,⁹⁹ Lincoln, Ely, Bath & Wells,¹⁰⁰ Exeter, Worcester, Hereford, Chichester, Carlisle, St. Davids, Llandaff.
Absent: Norwich *d*, Salisbury *d*, Coventry & Lichfield *d*.
Vacant: York, Durham, Norwich, Rochester.
Not summoned: St. Asaph, Bangor.¹⁰¹

(iii) (13 October)–22 December 1406: *Westminster*.

Present: Canterbury, Winchester, Durham, London, Lincoln, Worcester, Hereford,¹⁰² Chichester, St. Davids.
Absent: Ely *d*, Salisbury *d*, Exeter *d*, Coventry & Lichfield *d*, Carlisle.¹⁰³
Not known: Bath & Wells, Llandaff.
Not summoned: St. Asaph, Bangor.
Vacant: York, Rochester.

34. 20 October–2 December 1407: *Gloucester*.

Present: Canterbury, Durham, (Winchester),¹⁰⁴ London,¹⁰⁵ Lincoln, Salisbury, (Bath & Wells *t*), Worcester,¹⁰⁶ Hereford.
Absent: Norwich *d*,¹⁰⁷ Ely *dt*, Exeter *pd*, Coventry & Lichfield *d*.
Not known: Chichester, Rochester, Carlisle.
Vacant: York, St. Davids, Llandaff.¹⁰⁶
Not summoned: St. Asaph, Bangor.

35. (i) 27 January–(15 March) 1410: *Westminster*.

Present: Canterbury, York, Durham, Winchester, London, Norwich, Ely, Salisbury, Bath & Wells, Exeter, Hereford, Chichester, Rochester, St. Davids, Bangor.
Absent: Lincoln *pd*, Coventry & Lichfield *pd*, (Worcester *p*), Carlisle *pd*.
Not known: Llandaff.
Not summoned: St. Asaph.

(ii) (6 April)–9 May 1410: *Westminster*.

Present: Canterbury, Durham, Winchester, London, Bath & Wells, Exeter, (St. Davids),¹⁰⁸ Bangor.
Absent: York *d*, Lincoln *d*, Norwich *d*, Ely *d*, Salisbury *d*, (Coventry & Lichfield),¹⁰⁹ Worcester *d*, Hereford *d*,¹¹⁰ Carlisle *d*.

Not known: Chichester, Rochester, Llandaff.
Not summoned: St. Asaph.

36. 3 November–19 December 1411: *Westminster*.

Present: Canterbury, York, Durham, Winchester, London, Lincoln, Ely, Salisbury, Bath & Wells, Worcester, Hereford, Chichester, St. Davids.

Absent: Norwich *pd*, Exeter *d*, Coventry & Lichfield *d*, Rochester *pd*.

Not known: Carlisle, Bangor,¹¹¹ Llandaff.¹¹¹

Not summoned: St. Asaph.¹¹²

37. 3 February–20 March 1413: *Westminster*.¹¹³

Present: Canterbury, York, Durham, Winchester, Lincoln, Norwich, Ely, Salisbury, Bath & Wells, Exeter, Worcester, Carlisle, St. Davids, Bangor, Llandaff.

Absent: Coventry & Lichfield *d*.

Not known: London, Hereford, Chichester, Rochester.

Not summoned: St. Asaph.

38. 14 May–9 June 1413: *Westminster*.

Present: Canterbury, York, Durham, Winchester, London, (Ely *t*), Lincoln, Salisbury, Bath & Wells, Exeter, Worcester, St. Davids, Bangor.

Absent: Coventry & Lichfield *d*.

Not known: Hereford, Chichester, Rochester, Carlisle, Llandaff.

Vacant: Norwich.¹¹⁴

Not summoned: St. Asaph.

39. 30 April–29 May 1414: *Leicester*.

Present: York, Durham, Winchester, London, Lincoln, (Ely *t*), Salisbury, Exeter, Bath & Wells, St. Davids,¹¹⁵ Bangor.

Absent: Coventry & Lichfield *pd*, Worcester (at *Hillingdon, Middlesex*), (Chichester *p*), (Carlisle *p*).

Not known: Norwich,¹¹⁶ Hereford, Rochester, St. Asaph, Llandaff.

Vacant: Canterbury.¹¹⁷

40. 19 November–c. 18 December 1414:¹¹⁸ *Westminster*.

Present: Canterbury, York, Durham, Winchester, (London),¹¹⁹ Lincoln, Norwich, Ely, Worcester, Hereford, (St. Davids *t*),¹²⁰ Bangor.

Absent: Salisbury (*Dover-Constance*), Exeter *d*, Bath & Wells (*Dover-Constance*), (Carlisle *p*).

Not known: Chichester,¹²¹ Rochester, St. Asaph, Llandaff.

Vacant: Coventry & Lichfield.

41. 4 November–?12 × 14 November 1415:¹²² *Westminster*.

Present: Canterbury, York, Durham, Winchester, London, Lincoln, Ely, Coventry & Lichfield, Hereford, St. Davids, Bangor, Llandaff.

Absent: Salisbury (at *Constance*), Exeter *d*, Bath & Wells (at *Constance*), Worcester *d*.

Not known: Rochester,¹²³ Carlisle, St. Asaph.¹²³

Vacant: Norwich, Chichester.

42. (i) 16 March–(8 April) 1416: *Westminster*.

Present: Canterbury, York, Durham, Winchester, London, Lincoln, Ely, Coventry & Lichfield, Worcester, Hereford, St. Davids, Bangor.

Absent: Salisbury (at *Council of Constance*), Exeter *pd*, Bath & Wells (at *Council of Constance*), (St. Asaph *p*).

Not known: Rochester, Carlisle, Llandaff.

Vacant: Norwich, Chichester.

- (ii) (4 May)– 1416:¹²⁴ *Westminster*.
Present: Canterbury, York, Durham, Winchester, London, Lincoln, (Norwich),¹²⁵ Ely, Coventry & Lichfield, Worcester, Hereford, St. Davids, Bangor.
Absent: Salisbury (*at Constance*), Exeter *d*, Bath & Wells (*at Constance*).
Not known: Rochester, Carlisle, St. Asaph, Llandaff.
Vacant: Chichester.
43. 19 October–18 November 1416: *Westminster*.
Present: Canterbury, York,¹²⁶ Durham, Winchester, Lincoln, Ely, Worcester, Hereford, St. Davids, Bangor, Llandaff.
Absent: London,¹²⁷ Norwich,¹²⁷ Salisbury,¹²⁷ Bath & Wells,¹²⁷ Exeter *pd*, Coventry & Lichfield,¹²⁷ Carlisle *d*, (St. Asaph *p*).
Not known: Rochester.¹²⁸
Vacant: Chichester.
44. 16 November–17 December 1417: *Westminster*.
Present: Canterbury, Durham, Lincoln, Ely, Hereford, (St. Davids),¹²⁹ Bangor, Llandaff.
Absent: York *pd*, Winchester,¹³⁰ London,¹³⁰ Norwich,¹³⁰ Bath & Wells,¹³⁰ Exeter *pd*, Coventry & Lichfield,¹³⁰ (Rochester *p*), (Carlisle *p*), (St. Asaph *p*).
Not known: Worcester.
Vacant: Salisbury, Chichester.
45. 16 October–13 November 1419: *Westminster*.
Present: Canterbury, Durham, Winchester, London, Norwich, Salisbury, Bath & Wells, Hereford, Chichester, St. Davids, Bangor, Llandaff.
Absent: York *pd*, Lincoln *pd*, Ely *d*, Coventry & Lichfield (*in papal curia*), Worcester (*in France*),¹³¹ Rochester (*in France*),¹³¹ (St. Asaph *p*).
Vacant: Exeter,¹³² Carlisle.¹³³
46. 2 December–c. 18 December 1420:¹³⁴ *Westminster*.
Present: Canterbury, Durham, Winchester, London, Lincoln, Norwich, Salisbury, Bath & Wells, Exeter, Coventry & Lichfield.
Absent: York *pd*, Ely *d*, Worcester (*in France?*), Rochester (*in France?*), (St. Asaph *p*).
Not known: Carlisle, St. Davids, Bangor, Llandaff.
Vacant: Hereford, Chichester.
47. 2 May– 1421:¹³⁵ *Westminster*.
Present: Canterbury, Durham, Winchester, London, Lincoln, Norwich, Salisbury, Bath & Wells, Exeter, Coventry & Lichfield, Worcester, St. Davids, Bangor, Llandaff.
Absent: York *d*, Hereford (*in papal curia*), Rochester (*in France?*), (St. Asaph *p*).
Not known: Ely, Carlisle.
Vacant: Chichester.
48. 1 December–c. 18 December 1421:¹³⁶ *Westminster*.
Present: Canterbury, Durham, Winchester, Lincoln, Norwich, Salisbury *p*, Bath & Wells, Exeter, Coventry & Lichfield, Worcester.
Absent: York *pd*, Hereford (*in papal curia*), Chichester (*in France*), (St. Asaph *p*).
Not known: Ely, Carlisle, St. Davids, Bangor, Llandaff.
Vacant: London, Rochester.
49. 9 November–18 December 1422: *Westminster*.
Present: Canterbury, Durham, Winchester, London,¹³⁷ Lincoln, Norwich, Exeter, Coventry & Lichfield, Worcester, Hereford, Rochester, St. Davids, Bangor.
Absent: York *d*, Salisbury *pd*, Bath & Wells *d*, Chichester (*in France?*), St. Asaph *p*.
Not known: Ely, Carlisle, Llandaff.

50. (i) 20 October–(17 December) 1423: *Westminster*.

Present: Canterbury, Durham, Winchester, London,¹³⁸ Lincoln,¹³⁸ Norwich, Exeter,¹³⁹ Worcester, Hereford,¹⁴⁰ Rochester.¹³⁸

Absent: (Ely *p*), Salisbury *pd*, Bath & Wells *d*, Coventry & Lichfield *pd*, Chichester (in *papal curia*), Carlisle (at *Council of Pavia-Siena?*), St. Asaph *p*.

Not known: St. Davids.

Vacant: York, Bangor, Llandaff.¹⁴¹

(ii) 14 January–28 February 1424: *Westminster*.

Present: Canterbury, Durham, Winchester, London, Norwich, Worcester, Rochester.

Absent: Lincoln (at *Council of Pavia-Siena*), Salisbury *d*, Exeter *d*, Bath & Wells *d*, Coventry & Lichfield *d*, Hereford *d*, Chichester (in *papal curia*), Carlisle (at *Council of Pavia-Siena*), (St. Asaph).

Not known: Ely, St. Davids.

Vacant: York, Bangor, Llandaff.

51. (i) 30 April–(25 May) 1425: *Westminster*.

Present: Canterbury, Durham, Winchester, London, Bath & Wells,¹⁴² Coventry & Lichfield, Worcester, Rochester, Carlisle, St. Davids.

Absent: Salisbury *pd*, (Exeter *p*), Hereford *pd*, Chichester (in *papal curia*), St. Asaph *p*.

Not known: Ely.

Vacant: York,¹⁴³ Lincoln,¹⁴³ Norwich,¹⁴⁴ Bangor,¹⁴⁵ Llandaff.¹⁴⁵

(ii) 31 May–14 July 1425: *Westminster*.

Present: Canterbury, Durham, Winchester, London, Bath & Wells, Worcester, Carlisle, St. Davids.

Absent: Salisbury *d*, Exeter *d*, Coventry & Lichfield *d*, Hereford (at *Deighton by York*), Chichester (in *papal curia*), Rochester *d*, (St. Asaph).

Not known: Ely.

Vacant: York, Lincoln, Norwich, Bangor, Llandaff.

52. (i) 18 February–(20 March) 1426: *Leicester*.

Present: Canterbury, Durham, Winchester, London,¹⁴⁶ Bath & Wells, Worcester, Hereford, Chichester, Rochester, Carlisle, St. Davids, Bangor,¹⁴⁷ Llandaff.¹⁴⁸

Absent: Exeter *pd*, (Salisbury),¹⁴⁹ Coventry & Lichfield *pd*, St. Asaph *p*.

Vacant: York, (Lincoln *d*),¹⁵⁰ Norwich, Ely.

(ii) 29 April–1 June 1426: *Leicester*.

Present: Canterbury, York,¹⁵¹ Durham, Winchester, London,¹⁵¹ Ely,¹⁵² Bath & Wells, Worcester,¹⁵³ (Rochester),¹⁵⁴ (St. Davids),¹⁵⁴ (Llandaff),¹⁵⁴ (Bangor).¹⁵⁴

Absent: Exeter *d*, Salisbury *d*, Coventry & Lichfield *d*, Hereford *d*, (St. Asaph).

Not known: Chichester,¹⁵⁵ Carlisle.

Vacant: (Lincoln),¹⁵⁶ Norwich.¹⁵⁷

53. (i) 13 October–(8 December) 1427: *Westminster*.

Present: Canterbury, York, Durham, London, Lincoln, Norwich, (Ely *t*), Bath & Wells, Exeter,¹⁵⁸ Worcester, Rochester.

Absent: Winchester,¹⁵⁹ Salisbury (at *Oxford*),¹⁶⁰ Coventry & Lichfield *d*, (St. Asaph).

Not known: Hereford, Chichester, Carlisle, St. Davids, Llandaff, Bangor.

(ii) 27 January–25 March 1428: *Westminster*.

Present: Canterbury, York, London, Lincoln, Norwich, Ely, Bath & Wells, Worcester, Rochester, St. Davids, Bangor.

- Absent:* Durham *d*, Winchester,¹⁶¹ Salisbury *d*, Exeter *d*, Coventry & Lichfield *d*, Hereford *d*, (St. Asaph).
Not known: Chichester, Carlisle, Llandaff.
54. (i) 22 September–(20 December) 1429: *Westminster*.
Present: Canterbury, York, Durham *p*,¹⁶² Winchester,¹⁶³ London, Norwich, Ely, Bath & Wells, Exeter, Coventry & Lichfield, Worcester, Rochester, St. Davids, Bangor.
Absent: Lincoln *d*, Hereford *d* (at *papal curia*),¹⁶⁴ St. Asaph *p*, (Llandaff *p*).
Not known: Salisbury.
Vacant: Chichester, Carlisle.¹⁶⁵
- (ii) (16 January)–23 February 1430: *Westminster*.
Present: Canterbury, York, Winchester, London, Lincoln, Norwich, Ely, Bath & Wells, Exeter, Coventry & Lichfield, Worcester.
Absent: Durham *d*, Hereford (at *papal curia*), (St. Asaph).
Not known: Salisbury, Rochester, St. Davids, Bangor, Llandaff.
Vacant: Chichester, Carlisle.
55. 12 January–20 March 1431: *Westminster*.
Present: Canterbury, York, Winchester, London, Norwich, Ely, Salisbury, Bath & Wells, Coventry & Lichfield, Worcester, Chichester,¹⁶⁶ Rochester, Carlisle.
Absent: Durham *pd*, Lincoln *d*,¹⁶⁷ Exeter *pd*, Hereford *d*, (St. Asaph), (Bangor *p*).
Not known: St. Davids, Llandaff.
56. 12 May–17 July 1432: *Westminster*.
Present: Canterbury, York, Durham, Winchester, Lincoln, Norwich, Ely, Bath & Wells, Coventry & Lichfield,¹⁶⁸ Worcester, Rochester, (Llandaff *t*).
Absent: London (in *papal curia*), Exeter *d*, Hereford *d*, Carlisle *d*, St. Asaph *p*.
Not known: Salisbury, Chichester, St. Davids,¹⁶⁹ Bangor.
57. (i) 8 July–(13 August) 1433: *Westminster*.
Present: Canterbury, York, Durham, Winchester,¹⁷⁰ London, Lincoln, Norwich, Ely, Bath & Wells, Chichester, Rochester.¹⁷⁰
Absent: (Exeter *d*),¹⁷¹ Coventry & Lichfield *d*, Worcester,¹⁷² Hereford, Carlisle.¹⁷³
Not known: Salisbury,¹⁷⁰ Bangor,¹⁷⁰ Llandaff.
Vacant: St. Asaph, St. Davids.
- (ii) (13 October)–21 December 1433:¹⁷⁴ *Westminster*.
Present: Canterbury, York, Durham, Winchester, London, Lincoln, Norwich, Ely, Salisbury, Bath & Wells, Chichester, Rochester, Carlisle, St. Asaph.¹⁷⁵
*Absent:*¹⁷⁶ Exeter *d*, Coventry & Lichfield *d*, Hereford *d*, St. Davids, Llandaff, Bangor.
Vacant: Worcester.
58. 10 October–23 December 1435: *Westminster*.
Present: Canterbury, York, Durham, Winchester, London, Lincoln, Norwich, (Ely),¹⁷⁷ Salisbury, Bath & Wells, Coventry & Lichfield, Worcester,¹⁷⁸ (Chichester *t*), Rochester, St. Davids, St. Asaph.
Absent: Exeter *ed*, Hereford *d*, Carlisle *d*, (Llandaff *p*).
Not known: Bangor.
59. 21 January–27 March 1437: *Westminster*.
Present: Canterbury, York, London, Lincoln,¹⁷⁹ Norwich,¹⁷⁹ Salisbury, Bath & Wells, Worcester, Rochester,¹⁷⁹ (Carlisle),¹⁸⁰ (St. Davids),¹⁸⁰ St. Asaph, Bangor.¹⁸¹
Absent: Durham *d*, Exeter *ed*, Coventry & Lichfield *d*, Hereford *d*.
Not known: Winchester,¹⁸² Chichester, Llandaff.
Vacant: Ely.

60. (i) 12 November—(12 December) 1439: *Westminster*.

Present: Canterbury, York, Winchester, London, Lincoln, Norwich, Salisbury, Bath & Wells, Worcester, Hereford, Chichester, Rochester, Carlisle, St. Davids, St. Asaph, Bangor.

Absent: Exeter *epd*, Coventry & Lichfield *pd*.

Not known: Durham, Ely,¹⁸³ Llandaff.

(ii) (14 January)—15 × 24 February 1440: *Reading*.

Present: Canterbury, Lincoln, Salisbury, Bath & Wells,¹⁸⁴ St. Davids.

Absent: London *d*, Exeter *ed*, Coventry & Lichfield *ed*, Worcester *d*, Hereford *d*, Chichester *d*, Rochester *d*.

Not known: York, Durham, Winchester, Norwich, Ely,¹⁸⁵ Carlisle, St. Asaph, Bangor, Llandaff.

61. 25 January–27 March 1442: *Westminster*.

Present: Canterbury, (York *t*), Winchester, London, Lincoln, Norwich, Salisbury, Bath & Wells, St. Asaph.¹⁸⁶

Absent: Exeter *epd*, Coventry & Lichfield *ed*, Worcester *d*, Hereford *pd*, Chichester *pd*, Rochester *d*.

Not known: Durham, Ely,¹⁸⁷ Carlisle, St. Davids, Bangor, Llandaff.

62. (i) 25 February—(15 March) 1445: *Westminster*.

Present: Canterbury, York, Durham, Ely, Lincoln, Norwich, Salisbury *e*, Bath & Wells, London, Rochester, (St. Asaph *t*), (Llandaff *t*).

Absent: Exeter *ed*, Coventry & Lichfield *ed*, Worcester *d*, Chichester *d*.

Not known: Winchester, Hereford, Carlisle, St. Davids,¹⁸⁸ Bangor.

(ii) (29 April)—(5 June) 1445: *Westminster*.

Present: Canterbury, York, (Durham),¹⁸⁹ London, Lincoln,¹⁹⁰ Norwich, Ely, Salisbury *e*, Bath & Wells,¹⁹¹ Worcester, Rochester.

Absent: Exeter *d*, Coventry & Lichfield *ed*, Hereford *d*, Chichester *d*.

Not known: Winchester, Carlisle, St. Davids, St. Asaph, Bangor, Llandaff.

(iii) (20 October)—(15 December) 1445: *Westminster*.

Present: Canterbury, York, (Durham),¹⁹² (Winchester),¹⁹³ Lincoln, Ely, Salisbury *e*, Bath & Wells, London, Worcester, Chichester,¹⁹⁴ Rochester, Carlisle, St. Asaph.

Absent: Norwich *d*, Exeter *ed*, Coventry & Lichfield *ed*.

Not known: Hereford, St. Davids, Bangor, Llandaff.

(iv) (24 January)—9 April 1446: *Westminster*.

Present: Canterbury, York, (Durham),¹⁹⁵ London, Lincoln,¹⁹⁶ Norwich,¹⁹⁷ Ely, Salisbury *e*, Bath & Wells,¹⁹⁸ Chichester,¹⁹⁹ Rochester.

Absent: Exeter *ed*, Coventry & Lichfield *ed*, Worcester *d*, Hereford *d*.

Not known: Winchester, Carlisle, St. Davids, St. Asaph, Llandaff, Bangor.

63. 10 February–3 March 1447: *Bury St. Edmunds*.

Present: Canterbury, York, (Durham *t*), Norwich, (Ely *t*), Salisbury *e*, Bath & Wells, (Carlisle *t*).²⁰⁰

Absent: Winchester *dt*,²⁰¹ London *d*, Lincoln *ed*, Exeter *ed*, Coventry & Lichfield *ed*, Worcester *d*, Hereford *d*, Chichester (*on embassy to France*), Rochester *dt*.²⁰²

Not known: St. Asaph, Llandaff, Bangor.

Vacant: St. Davids.

64. (i) 12 February—(4 April) 1449: *Westminster*.

*Present:*²⁰³ Canterbury, York, Winchester, Lincoln, Norwich, Ely, Salisbury *e*,²⁰⁴ Bath & Wells, Coventry & Lichfield, Worcester, Hereford, Chichester, Carlisle, Rochester, St. Asaph, Llandaff.

Absent: Durham *d*,²⁰⁵ Exeter *epd*.²⁰⁶
*Not known:*²⁰⁷ St. Davids, Bangor.
Vacant: London.

(ii) (7 May)–(30 May) 1449: *Westminster*.

Present: Canterbury, York, Winchester, Lincoln, Norwich, Salisbury *e*, Bath & Wells, Coventry & Lichfield, Worcester, (Carlisle),²⁰⁸ Bangor.

Absent: Exeter *ed*, Hereford *d*, St. Davids *d*.
Not known: Durham, Ely, Chichester, Rochester, St. Asaph, Llandaff.
Vacant: London.

(iii) (16 June)–16 July 1449: *Winchester*.

*Present:*²⁰⁹ Canterbury, York, Winchester, Lincoln, Norwich, Ely, Salisbury *e*, Bath & Wells, Coventry & Lichfield, Worcester,²¹⁰ Chichester, Carlisle, Llandaff, Bangor.

Absent: Exeter *ed*, Hereford *d*, Rochester.²¹⁰
Not known: Durham, St. Davids, St. Asaph.
Vacant: London.

65. (i) 6 November–(4 December) 1449: *Dominican Friary, Ludgate, London*.

(ii) (4 December)–(17 December) 1449: *Westminster*.

Present: Canterbury, York, Winchester, Lincoln,²¹¹ Norwich, (Ely *t*), Salisbury *e*, Bath & Wells, Coventry & Lichfield, Worcester, Hereford, Chichester,²¹² (?Carlisle),²¹³ Rochester, St. Davids, Llandaff.

Absent: Durham *d*,²¹⁴ Exeter *epd*.²¹⁵
Not known: St. Asaph, Bangor.
Vacant: London.

(iii) (22 January)–(30 March) 1450: *Westminster*.

Present: Canterbury, York, Winchester, London,²¹⁶ Norwich, Ely, Salisbury *e*, Bath & Wells, Coventry & Lichfield, Worcester, Hereford, Carlisle,¹⁹² St. Davids, St. Asaph, Bangor.

Absent: Durham *d*, Exeter *ed*.
*Not known:*²¹⁷ Rochester, Llandaff.
Vacant: Lincoln,²¹⁸ Chichester.

(iv) (29 April)–6 June 1450: *Leicester*.

Present: Canterbury, York, Winchester, London, Norwich, Coventry & Lichfield, (Worcester),²¹⁹ Chichester.²²⁰

Absent: Lincoln,²²¹ Salisbury *ed*, Bath & Wells *d*, Exeter *ed*, Hereford *d*, Rochester *d*.
Not known: Durham, Ely, Carlisle, St. Davids, St. Asaph,²²⁰ Llandaff, Bangor.

66. (i) 6 November–(18 December) 1450: *Westminster*.

Present: Canterbury, York, Winchester, London, Lincoln,²²² Norwich, Ely, Bath & Wells, Coventry & Lichfield, Worcester, Rochester.²²³

Absent: Salisbury *d*, Exeter *epd*.
Not known: Durham, Chichester, Carlisle, St. Davids, St. Asaph, Llandaff, Bangor.
Vacant: Hereford.²²⁴

(ii) (20 January)–(20 April) 1451: *Westminster*.

Present: Canterbury,²²⁵ York, Winchester, Norwich,²²⁶ Bath & Wells, Worcester, Hereford, Rochester.

Absent: London *d*,²²⁷ Salisbury *d*, Exeter *ed*, Coventry & Lichfield *d*.
Not known: Durham, Ely, Chichester, Carlisle, St. Davids, St. Asaph, Llandaff, Bangor.²²⁸
Vacant: Lincoln.²²⁹

(iii) (5 May)–13 June 1451: *Westminster*.

Present: Canterbury, York, Winchester, London,²³⁰ Ely, Bangor.

Absent: Norwich *d*, Salisbury *d*, Bath & Wells *d*, Exeter *ed*, Coventry & Lichfield *d*, Hereford (at Gloucester), Worcester *d*.

Not known: Durham, Chichester, Carlisle, Rochester, St. Davids, St. Asaph, Llandaff.

Vacant: Lincoln.

67. (i) 6 March–(28 March) 1453: *Reading*.²³¹

Present: Canterbury,²³² York, Winchester, (London *t*), Lincoln, Norwich, (Ely),²³³ Salisbury, Bath & Wells *ep*,²³⁴ (Coventry & Lichfield),²³⁵ Worcester, Hereford,²³⁵ (Rochester),²³³ Bangor.²³⁵

Absent: Exeter *epd*.²³⁶

*Not known:*²³⁷ Durham, Chichester, Carlisle, St. Davids, St. Asaph, Llandaff.

(ii) (25 April)–(2 July) 1453: *Westminster*.

Present: Canterbury, York, Winchester, London,²³⁸ Lincoln,²³⁹ Norwich, Ely, Bath & Wells *e*, Coventry & Lichfield, Worcester, Hereford, Rochester.²⁴⁰

Absent: Salisbury *d*, Exeter *ed*, Bangor.²⁴¹

Not known: Durham, Chichester, Carlisle, St. Davids, St. Asaph, Llandaff.

(iii) (12 November) 1453: *Reading*.

Present: Canterbury.²⁴²

Absent: York (in London),²⁴² Winchester *d*,²⁴² Lincoln *d*,²⁴² Norwich (in London),²⁴² Bath & Wells *epd*,²⁴³ Exeter *ed*.

Not known: Durham, Ely,²⁴² Salisbury, Coventry & Lichfield,²⁴⁴ London,²⁴² Worcester,²⁴⁴ Hereford,²⁴⁵ Chichester, Rochester,²⁴⁵ Carlisle,²⁴² St. Davids,²⁴² St. Asaph, Llandaff, Bangor.

(iv) (11 February) 1454: *Reading*.

The session was prorogued at once by the earl of Worcester, treasurer of the Exchequer, in the presence of lords temporal and spiritual.²⁴⁶

(v) (14 February)–16 × 21 April 1454: *Westminster*.

Present: Canterbury,²⁴⁷ York, Durham, Winchester, London, Lincoln, Norwich, Ely, Salisbury, Coventry & Lichfield, Worcester,²⁴⁸ Hereford, Chichester,²⁴⁹ Carlisle, St. Davids *e*.²⁵⁰

*Absent:*²⁵¹ Bath & Wells *ed*, Exeter *ed*, Rochester *d*, St. Asaph, Llandaff, Bangor.²⁵²

68. (i) 9 July–(31 July) 1455: *Westminster*.

Present: Canterbury, York, Winchester, London, Lincoln, Norwich, Ely, Salisbury, Coventry & Lichfield, Worcester, Hereford, Chichester, Rochester, Llandaff, Bangor.

Absent: Durham,²⁵³ Exeter *epd*,²⁵⁴ Bath & Wells *ed*, (St. Davids *e*).

Not known: Carlisle,²⁵⁵ St. Asaph.²⁵⁵

(ii) (12 November)–(13 December) 1455: *Westminster*.

Present: Canterbury, York, Durham, Winchester, London, Lincoln, Norwich, Ely, Coventry & Lichfield,²⁵⁶ Worcester,²⁵⁶ Hereford,²⁵⁶ Chichester,²⁵⁶ Rochester, St. Asaph,²⁵⁶ Llandaff.

*Absent:*²⁵⁷ Salisbury *d*, Bath & Wells *ed*, Carlisle, St. Davids *e*, Bangor.

Vacant: Exeter.

(iii) (14 January)–12 March 1456: *Westminster*.

Present: Canterbury, York, Durham, Winchester, London, Lincoln,²⁵⁸ Norwich,²⁵⁹ Ely, Salisbury, Coventry & Lichfield, Worcester, (Hereford),²⁶⁰ (Bangor).²⁶¹

Absent: Bath & Wells *epd*,²⁶² (St. Davids *e*), (St. Asaph).²⁶³

Not known: Chichester, Carlisle, Rochester, Llandaff.
Vacant: Exeter.

69. 20 November–20 December 1459: *Coventry*.

Present: Canterbury, York, Durham, Winchester, London, Lincoln, Norwich, Ely, Salisbury, Exeter, Coventry & Lichfield,²⁶⁴ Worcester, Hereford, Chichester, Carlisle, St. Davids *e*, St. Asaph, Llandaff.

Absent: Bath & Wells *ed*, Rochester *d*,²⁶⁵ Bangor.²⁶⁶

70. (i) 7 October–(c. 1 December) 1460: *Westminster*.

Present: Canterbury, York, Winchester,²⁶⁷ London, Lincoln, Norwich, Ely, Salisbury,²⁶⁸ Exeter, Coventry & Lichfield, Worcester, St. Davids.²⁶⁹

Absent: Bath & Wells *ed*, Hereford *d*.²⁷⁰

Not known: Durham, Chichester, Rochester, Carlisle, St. Asaph, Bangor, Llandaff.

(ii) (28 January)–3 March 1461: *Westminster*.

Present: Canterbury, York, London, Lincoln, Norwich, Salisbury, Exeter.

Absent: Bath & Wells *ed*, Coventry & Lichfield,²⁷¹ Worcester *d*, Hereford,²⁷² (Rochester *d*),²⁷³ Carlisle.²⁷¹

Not known: Durham, Winchester, Ely, Chichester, St. Davids, St. Asaph, Bangor, Llandaff.

71. 4 November–(21 December) 1461: *Westminster*.²⁷⁴

Present: Canterbury, York, Durham, Winchester, London, Lincoln, Norwich, Ely,²⁷⁵ Salisbury, Exeter, Coventry & Lichfield, Worcester, Hereford, Chichester, Carlisle,²⁷⁶ Rochester,²⁷⁵ Bangor, Llandaff.

Absent: Bath & Wells *epd*,²⁷⁷ St. Davids, St. Asaph.²⁷⁸

NOTES TO REGISTER

- John Harwell: apptd. trier of petitions; and was at Lambeth, 20 May (Register of Simon of) Sudbury [archbishop of] Canterbury, fol. 20), although he had appointed proctors to this parliament; PRO SC10/31/1511.
- Cust. sp.* summoned, but William Spridlington had completed his appointment before the parliament began.
- Anonimale Chronicle*, ed. V. H. Galbraith (Manchester, reprint, 1970), p. 79, says the two archbishops and fourteen bishops attended, one fewer than other sources of evidence might suggest but, in any case, implying that these two were absent.
- Returned from embassy to Flanders, 27 Jan.; departed on embassy to Calais and Bruges, 22 Feb.; PRO E364/10B & C.
- Not in the record of the concurrent convocation of Canterbury.
- Although William of Wykeham attended the concurrent convocation of Canterbury after 14 × 18 February, his temporalities had been confiscated by the crown and he himself forbidden to approach the king. He received no summons to parliament. For this frequently discussed episode, see, e.g., Holmes, *The Good Parliament*, pp. 178–9, 187–92, and W. L. Warren, in *Journal of Ecclesiastical History* (1959): 140–8.
- Henry Despenser: apptd. trier of petitions; but his register shows him to have been in his diocese until 9 Oct. and to have returned there by 2 Nov.
- Not in the record of the concurrent convocation of Canterbury.
- Vicar-general engaged in the diocese since June and occurs on 25 Nov.; Reg. Appleby, fol. 96.
- Possibly Spridlington's appointment of proctors was only against late arrival (PRO SC10/32/1574), but as nearly all bishops who were not known specifically to be intending absence were appointed as triers of petitions in parliament in these years, the latter point cannot be taken as any strong presumption towards his attendance.
- Not in the record of the concurrent convocation of Canterbury.
- Note 11 applies; he was at Lamphey, 9 Jan., and St. Davids, 10, 11 and 30 March; Reg. Stretton (*Cov. & Lich.*), Wm. Salt Soc., 1: 211; [*Calendar of*] [*Patent*] [*Rolls*] 1381–5, p. 62; BL Harley Ms. 1249, pp. 39, 84, 161.
- Vicar-general engaged in the diocese since Sept. and occurs on 12 Nov.; Reg. Appleby, fol. 332.
- Not in the record of the concurrent convocation of Canterbury, held in All Saints' Church, Northampton, 1–6 Dec.
- William Courtenay preached the opening sermon as "nadgairs evesque de Londres, elyt de Canterbirs confermez, chancelier d'Engleterre." He had been summoned on 22 Aug. as bishop of London, when the *cust. sp.* of Canterbury was summoned. He had been translated on 9 Sept. and received the temporalities on 23 Oct., but his bulls were not

- formally delivered to him until 10 Dec., and the pallium was, to his dismay, delayed even to the following May.
16. John Fordham: prov. 9 Sept.; temps. 23 Oct.; cons. 5 Jan. 1382. As keeper of the privy seal, his presence in the parliament must be regarded as highly probable. *Cust. sp.* summoned, 22 Aug., to the first session of this parliament.
 17. See note 16.
 18. Robert Braybrooke: temps., 27 Dec. 1381; cons. 5 Jan. 1382.
 19. In London, 28 Feb.; *Reg. Brantingham (Exeter)* 1: 76.
 21. Henry Wakefield's register is silent, 8 Jan.–1 March, which in his case tends to imply absence from the diocese (at parliament?).
 22. Robert Stretton and John Harwell were both instructed explicitly to send proctors on this occasion, but were summoned once more in person to subsequent parliaments, although both had given up attending, apparently because of permanent invalidity; *R.D.P.* 4: 695.
 23. Alexander Neville's register is silent after 21 April when he was at Cawood. He was at Beverley on 26 June; *Reg. Bokyngham (Lincoln), Institutions*, 1: fol. 120. Cf. *Reg. Neville* 1: fol. 77, which places him at Beverley on 14 May, probably 1381 but possibly 1382.
 24. Register silent, 2–31 May, suggesting absence, but he was at Hartlebury on 5 May; *Reg. Despenser (Norwich)*, fol. 80.
 25. At Canterbury, Feb. × March; *Reg. W. Courtenay (Canterbury)*, fol. 52v.
 26. At Stockton, 16 Feb., and at Auckland, 21 March; *PRO SC10/35/1708; Reg. Langley (Durham) (Surtees Soc.)* 1: 153.
 27. In London, 20 Jan., he was appointed trier of petitions, but he was at Hereford, 5 March; *PRO C85/90/34, 35*. He may have attended but left early?
 28. He appears as a witness on the charter roll, 16 Dec., but not in other entries of this time; *PRO C53/160/18*.
 29. In convocation, 2 Dec.; *Reg. W. Courtenay*, fol. 78.
 30. In the parliament of Oct. 1382 five northern lords, including Archbishop Neville of York and Bishop Fordham of Durham, had been ordered to defend the north; *R.P.* 3: 138. The Earl of Northumberland and Lord Neville of Raby, also of the five, were nevertheless present in this parliament and, indeed, were triers of petitions. Fordham, by contrast, was neither appointed as a trier nor appears, as they do, as a witness to charters at this time, so may perhaps be reckoned an absentee from this and the next parliament. (In the latter case, however, as a note of caution, it should be added that Lord Neville was again nominated as a trier but does not appear as a witness to charters.) *R.P.* 3: 145, 151, 167.
 31. He seems to have arrived after 11 May, although he appears as a witness to charters, 6 and 10 May; *PRO C53/160/15, 17*. He is not, however, a witness to another charter of 6 May; *ibid.*, no. 19.
 32. See note 30.
 33. See note 36.
 34. Adam Houghton was at Lamphey (Pembroke-shire), 20 Nov.; *PRO SC1/43/18*. He probably did not attend any parliament from this time on, at least, and absented himself even from the Merciless Parliament of Feb. 1388 (when apparently he was not even summoned to the second session). All evidence suggests that he entered into a well-deserved retirement in his diocese.
 35. *Cust. sp.* summoned, but Walter Skirlaw prov., 28 June, custody of temps., 27 Oct. '*Electus, confirmatus*,' he carried out official business in parliament as keeper of the privy seal; *R.P.* 3: 205, 206, 209.
 36. Henry Despenser's temps. had been taken in by the crown, 28 Oct. 1383, and were only restored to him, 24 Oct. 1385. However, he had been summoned to the parliament of Nov. 1384, and had been in London during its sitting. He certainly participated, by virtue of his spiritualities, in the concurrent convocation of Canterbury; *Reg. W. Courtenay*, fol. 79v.
 37. Occurs 13 Nov., and still in London, 11 Dec.; *PRO C53/161/2*; Durham, Prior's Kitchen: 2.5 Ebor. 3.
 38. *Cust. sp.* summoned, but Walter Skirlaw trans. from Coventry & Lichfield, 18 Aug., temps. 13 Sept. and 3 Nov., with effect from 26 Sept.
 39. No summons to the see, but Richard Scrope prov., 18 Aug., cons., 19 Aug., spiritualities, 12 Oct., temps. 15 Nov.
 40. From c.7 Nov.
 41. At Meliden (Clwyd), 26 Sept.; *PRO C85/167/30*.
 42. All bishops, including the fugitive archbishop of York, were summoned to the first session.
 43. Representation by proxy was specifically prohibited for this session. On the other hand, five bishops are not known to have received a summons, nor any deputy on their behalf. Alexander Neville had been condemned and was a fugitive. John Buckingham of Lincoln was formally exempt. Adam Houghton of St. Davids had absented himself from attendance for several years past (see note 34). Thomas Rushook of Chichester was in custody and stood trial in the course of the session. Thomas Arundel of Ely, now chancellor and nominated to the archbishopric of York, was also omitted, according to records, but was very much present in the assembly; *R.D.P.* 4: 728.
 44. At Auckland, 26 April; absent from diocese, 1 May; in London, 15 May; *Historiae Dunelmensis Scriptores Tres* (Surtees Soc., vol. 9, 1839), Appendix no. 140; Durham, Prior's Kitchen: 3.9 Pont. 16b; Cambridge U.L.: *Reg. Arundel (Ely)*, fol. 62.
 45. At Charing (London), 3 and 5 May but, according to his register (which is not always reliable), he was in his diocese until 28 April and after 14 May.
 46. Attended until ca. 12 May.
 47. Not summoned to the second session of this parliament, he was brought into the assembly to be

- tried and condemned to exile, 12 May; *R.P.* 3: 243–44.
48. Proctors had been appointed for the first session. See note 34 with respect to Houghton of St. Davids.
 49. A series of episcopal translations and appointments was confirmed and completed early in the session. In order to keep the register of the several sessions of this important parliament consistent, the bishops involved have been listed according to the sees by which they were summoned (contrary to the convention adopted elsewhere in this register). Therefore, John Waltham, bishop-elect of Salisbury and keeper of the privy seal, is not included, but he did go to Cambridge and no doubt participated in the business of parliament. See Davies, in *Speculum* 51 (1976): 659–93, for full references. The convocation of Canterbury met in Cambridge, 14 Sept., and in London, 20–21 Oct.
 50. In the convocation at London, ut supra.
 51. Hywel ap Madog ap Cyffin, dean of St. Asaph, was acting as vicar-general in the diocese, 15 Dec.; *Reg. J. Gilbert* (Hereford), fol. 71.
 52. Thomas Arundel's translation from Ely to York on 3 April, to replace Alexander Neville, who was translated to the schismatic see of St. Andrews on the same day, was known in England, but the temps. were only restored on 14 Sept. Meanwhile, the *cust. sp.* of York was summoned.
 53. Bishop Rushook was designated as being in *remotis agens* but, in fact, was in exile in Ireland; *R.D.P.* 4: 730.
 54. *Cust. sp.* of Rochester summoned, but William Bottlesham trans. from Llandaff, 27 Aug. 1389, temps. from Archbishop Courtenay, 15 Dec., but not from the king until 12 Feb. 1390.
 55. Laurence Child summoned, but died, 27 Dec. 1389.
 56. Register silent after 29 Oct., he was in London, 7 Dec.; *Reg.*, fol. 28v.
 57. Absent at least until 18 Nov., when he was at Trottiscliffe (Kent), but in London, 12 Dec.; *Reg.*, fol. 10; BL Cotton Faustina C. v., fol. 44v.
 58. William of Wykeham's register suggests he was at Esher (Surrey) throughout the time of parliament, but he was appointed a trier of petitions and appears as a witness on 10 Nov. (and on 5, 6 and 9 Dec.); PRO C53/164/29–31; *Reg. Wykeham* (Hampshire Rec. Soc., 1896–9) 2: 626.
 59. *Reg. Wakefield* (Worcester), fols. 85–87v (*Calendar*, ed. P. Maret, Worcs. Hist. Soc., N.S. vol. 7, 1972: 100–2).
 60. In London, 10–11 Dec.; PRO C85/45/41, 42.
 61. John Gilbert was appointed a trier of petitions and was certainly in London, 19 Sept. and 14 Dec.; *Reg. Trefnant* (Hereford), fol. 12; PRO C53/164/34.
 62. Still in diocese, at Hartlebury, 20 Jan.; register then silent.
 63. No recorded summons to the see.
 64. No recorded summons to the bishop.
 65. College of Arms Ms. 2 H 13, fol. 386 lists lords "present in parliament," 30 Nov. 20 R.II (1396). This is, in fact, the date of the issue of summonses, and the list is indeed of those summoned and bears no relation to actual attendance.
 66. Fordham appointed proctors; was at Auckland, 18 Feb.; and does not appear in contemporary witness lists; PRO SC10/40/1958, 1960; Durham, Prior's Kitchen: Cartulary 3, fol. 98.
 67. Arundel was present in parliament, 19 Sept., when charged with complicity in treason. Prohibited from subsequent attendance, he was found guilty on 25 Sept.; see M. E. Aston, *Thomas Arundel* (Oxford, 1967), pp. 368–73.
 68. Not in the list of 30 Sept.; *R.P.* 3: 355.
 69. John Gilbert summoned, but died on 28 July.
 70. No summonses to this session of the parliament survive for the lords spiritual, in contrast to those for lords temporal. Only the bishops of St. Davids and Bangor can be said with certainty to have been at Shrewsbury in the time of the parliament, but five more were charter witnesses (as was St. Davids) at Shrewsbury, 6 Feb.; PRO C53/167/15 (*Calendar of Charter Rolls* 5: 371). Thomas Percy had been appointed as lay proctor for the clergy; but, at least in the terminology of the roll of the parliament, lords spiritual did attend; *R.P.* 3: 356.
 71. He was not one of those bishops who took the oath of 18 March; *R.P.* 3: 379.
 72. Writs of summons in Richard II's name were issued from Chester, 19 Aug. 1399, although modern opinion does not generally allow the ensuing assembly the name of parliament; *R.D.P.* 4: 765.
 73. Thomas Arundel, summoned on 19 Aug. as archbishop of Canterbury, in despite of his supplanter in 1397, Roger Walden.
 74. See, however, the record of the subsequent parliament of 6 Oct.
 75. Dr. J. J. N. Palmer has made a strong case against the authenticity of the *Traison et Mort de Roy Richard*, which accords Thomas Merk a prominent role in the assembly; *B.J.R.U.L.M.* 61 (1978–9): 145–81, 398–421.
 76. Not included in the list of lords assenting to the arrangements for Richard II's custody, 21 Oct. He came before the lords temporal, 29 Oct., for his fate to be considered, and he retired, on advice, and probably in custody, to St. Albans Abbey for the time being; Walsingham, *Annales . . . Henrici Quarti*, p. 313.
 77. *Cust. sp.* not summoned, although Richard Young was not yet formally recognized by the English authorities and apparently took no part in the parliament; see *R.P.* 3: 426–27. In all probability he was still in Rome, where he was cons., 30 Nov. Custody of temps. had been first granted to him, 19 May 1399, and this was confirmed by the new dynasty, 21 Oct. Permission to accept the provision was granted, 28 Nov.; temps. 20 May 1400, spirits. 9 May.
 78. Richard Scrope was appointed a trier of petitions and appears as a witness to some (but not all) charters of the time. His register (admittedly sparse for the earlier weeks) suggests that he remained in his diocese; *Reg.*, fols. 28, 78v–79; PRO C53/171/4, 5, 11.

79. Apparently Henry Beaufort only attended after 27 Jan., but he was named as a witness to charters, 20 and 22 Jan.; PRO C53/171/12 & 14.
80. Henry Despenser was in custody at Canterbury throughout 1400 and appears there on 28 Feb. 1401, but he had been in London on 31 Jan. and 3 Feb.; Reg., fols. 264v-65. He appeared, perhaps for the first time, in the parliament on 9 Feb. "Fait a remembre que Mesquerdy le ix jour de Feveir, l'evesque de Norwicz vient deuant le roy et les seigneurs en parlement, et illoques le roy luy fist see[r]len son see accustume en parlement"; R.P. 3: 456-57.
81. John Fordham, exempted for two years, 4 Dec. 1399, evidently had intended to take advantage of this by appointing proctors, but certainly attended in the end. CPR, 1399-1401, p. 141, for the exemption.
82. Exemption from attendance at the next parliament, 5 Jan. 1401; CPR, 1399-1401, p. 403.
83. Cust. sp. summoned, but William Strickland completed his appointment, 15 Nov. 1400.
84. College of Arms Ms. 2 H 13, fols. 384r-v, 385, purport to be lists of lords present on 20 Oct. and 24 Nov., but are, in fact, misrenderings of writs of summons and of prorogation to the next parliament; R. G. Davies, "The earliest 'attendance lists' of the lords in parliament, 1402: a doubt," B.I.H.R., 56 (1983): 220-22.
85. Attended after 1 Oct. and returned to his diocese (to Scroby) by 3 Nov.; Reg., fols. 6v, 85v, 120v.
86. At "Llankad" (?), 29 Nov.; PRO C85/46/22.
87. Richard Scrope was appointed a trier of petitions and appears as a witness on the charter rolls; PRO C53/174/2-6. However, he was, according to a rather doubtful entry in an otherwise silent register, at Cawood (Yorks.), 5 Feb.; Reg., fol. 52. Furthermore, he is reported to have been at Bridlington (Yorks.) on 11 March, together with the other two bishops of the northern province; Walsingham, *Historia Anglicana* 2: 262. The aged Skirlaw of Durham, however, is also—and more reliably—found at Bishop Auckland (Durham) on the previous day, surely too great a distance to have traveled subsequently in the time. He had made his will only three days previously! Durham, Prior's Kitchen: Cartulary 1, fol. 155r-v.
88. Left parliament before 5 March.
89. Robert Braybrooke appointed proctors but appears as a regular witness in the charter rolls; PROSC10/41/2043, C53/174/3-7. Given the proximity of his diocese, must his excusations be taken at face value?
90. Richard Young was named as a royal councillor in this session, but so was Bowet of Bath & Wells, who was certainly absent; R.P. 3: 530.
91. Robert Mascall received temps. at Coventry, 28 Sept., but was in London 4 Oct. (and 15 Nov.); Reg. Mascall (Canterbury & York Soc.), pp. ii, 2, 3.
92. John Trevor, although summoned, had defected to Owen Glendower's cause in the summer of 1404. The English authorities made no formal motion towards arranging for the administration of the see until ca. 1407-8 and a new appointment was only made by the pope in July 1410.
93. William of Wykeham summoned, but died, 27 Sept.
94. Richard Young was translated from Bangor to Rochester, 28 July 1404, but only permitted by Archbishop Arundel to complete the appointment on 3 March 1407, possibly because the English authorities were not satisfied with the pope's intentions regarding the filling of Bangor. The cust. sp. of Rochester was summoned; R.D.P. 4: 791. See, however, Walsingham, *Annales* . . . *Henrici Quarti*, pp. 393-94, for a reference to a bishop of Rochester participating in this parliament. It should be added, however, that the chronicler's characterization of the bishop does not seem appropriate to Young.
95. Attended by 19 March (Reg., fol. 5v; Reg. Repeatingdon (Lincoln), *Institutions*, fol. 147), but left London on an embassy to France, 26 March, returning 22 May, from when he could resume attendance in subsequent sessions of this parliament; PRO E364/40B.
96. At Winchester, 6 March; Reg. Beaufort (Winchester), fol. 108A.
97. See note 92.
98. See note 94.
99. Returned from embassy, 22 May, and thenceforward resident at Southwark, ut supra note 95.
100. Attended after 1 May; PRO C85/39/13 & 14; Reg. Arundel (Canterbury), 1: fol. 65.
101. See note 94, and certainly he was not in parliament, 7 June; R.P. 3: 576.
102. Attended after 4 Nov.; Reg. Mascall, p. 28.
103. At Rose (Cumberland), 29 Oct.; PRO C85/196/11.
104. Still at Farnham (Surrey), 20 Oct.; Reg., fol. 28v, and silent thereafter.
105. Cust. sp. summoned, but in the event Richard Clifford had been translated from Worcester and was even appointed as a trier of petitions as bishop of London.
106. Thomas Peverel, summoned as bishop of Llandaff, was subsequently translated to Worcester in succession to Richard Clifford; temps. and spirits, 20 Nov. He is listed under his new see.
107. Cust. sp. summoned. Alexander Tottington received temps. at Gloucester, 23 Oct., and was consecrated on the same day, but he returned at once to his diocese.
108. Associated with Prince Henry's ministry, Henry Chichele was at the first session of this parliament and was appointed to an embassy to France (on 20 May), departing on 31 May; PRO E364/44B.
109. Whereabouts not known, but no other attendance recorded since 1399.
110. In diocese, 5 April; Reg., fol. 39v.
111. Not in the record of the concurrent convocation of Canterbury.
112. Bishop Robert de Lancaster had completed his appointment on 28 June 1411, but was not summoned until the parliament of April 1414, ac-

- cording to the surviving record. That there is no record of the formal restitution of the temporalities to him, although he had had their keeping since 1409, may bear upon this curiosity.
113. The names of the triers of petitions appointed for this parliament are not known.
 114. Alexander Tottington summoned, but died ante 13 April.
 115. Henry Chichele: royal assent to his election as archbishop of Canterbury signified, 24 March; temps. 30 May.
 116. Close confidant of Henry V and soon to be one of his principal diplomats, Richard Courtenay had spent all his episcopate thus far with the king. It is hard to believe that he did not attend, but his sparse register finds him only at Tewkesbury, 7 April, and at Charing (London), 6 June; Reg., fols. 101, 64.
 117. Thomas Arundel summoned, but died, 14 Feb.
 118. J. S. Roskell, *The Commons and their Speakers in English Parliaments, 1376-1523* (Manchester, 1965), p. 160, suggests that the parliament lasted "even less than three weeks," but the bishops' itineraries suggest, although inconclusively, that it may have lasted a little longer.
 119. Richard Clifford does not appear on witness lists at this time, although quite frequently on other occasions.
 120. John Catterick was appointed as royal proctor at the Council of Constance, 20 Oct.; but whereas Bubwith of Bath & Wells and Hallum of Salisbury certainly departed for the Council on the eve of parliament, Catterick was appointed as a trier of petitions, a responsibility regularly, but not on this occasion, entrusted to Bubwith. The implication is, then, that Catterick was at least expected to be in attendance at the parliament, to which all three bishops had been summoned; R.D.P. 4: 824.
 121. Unfortunately, Robert Rede's episcopal register ceases to be informative at exactly this time. He was at Aldingbourne (Sussex) on 11 Nov.
 122. Roskell, *Commons and their Speakers*, p. 161 suggests the terminal dates. Convocation of Canterbury continued to 2 Dec. Langley of Durham and Bowet of York were still in London on 25 and 27 Nov. respectively, the latter at least then departing, but their residence obviously cannot be taken as evidence of any assembly.
 123. Absent from the record of the concurrent convocation of Canterbury.
 124. Roskell, *Commons and their Speakers*, p. 165 suggests that the duration of the parliament was "unlikely to have been long." Convocation of Canterbury detained the bishops of the southern province until 6 June. Bowet of York continued in residence until after 1 June, but once more this is no strong evidence regarding the duration of parliament.
 125. *Cust. sp.* summoned to the first session of this parliament. John Waking received temps. 27 May, and was consecrated at St. Pauls, 31 May.
 126. Henry Bowet appears as witness to a charter and was appointed as a trier of petitions; PRO C53/185/3. His register is unhelpful.
 127. At the Council of Constance. The summons had been sent for either the bishop or his vicar-general to attend in each case.
 128. Not in the list of those giving surety to crown creditors, although Bangor is also omitted; R.P. 4: 96.
 129. Stephen Patrington made his will on 16 Nov., shortly after he had been appointed to go abroad in the royal service, and he made no mention of ill health. However, he died in London, 22 Dec.; Reg. Chichele (Canterbury) 2: 133-35; 4: 184; PRO, *Deputy Keeper's Reports* 44: 599.
 130. At, or en route to, the Council of Constance, with vicar-general summoned as an alternative. For Beaufort of Winchester, see *E.H.R.* 60 (1945): 323.
 131. *Cust. sp.* of both sees summoned. However, John Kemp prov. to Rochester, 21 June; temps. and spirits., 9 Sept. Philip Morgan prov. to Worcester, 19 June; spirits. 9 Sept., temps. 18 Oct. Both bishops were consecrated on 3 Dec. at Rouen.
 132. Edmund Stafford summoned, but died, 3 or 17 Sept.
 133. William Strickland summoned, but died, 30 Aug.
 134. Roskell, *Commons and their Speakers*, p. 170: "it can scarcely have lasted for much longer than a fortnight." Those bishops whose whereabouts can be identified were all still in the capital one week before Christmas, even though there was no session of the southern convocation at the time.
 135. Convocation of Canterbury, which often sat after the session of parliament had ended, was closed on 27 May. However, the bishops were still quite uniformly in London until the first days of June and then severally in their dioceses by 5-7 June. Henry V, as Professor Roskell noted, left for France on 10 June.
 136. J. S. Roskell, *Commons and their Speakers*, p. 175, suggests that the parliament "can hardly have lasted for more than three weeks." The bishops were in London until ca. 17-20 Dec., but departed severally in the next few days.
 137. Summons to John Kemp or his vicar-general, the bishop being abroad on 29 Sept., at the time of the summons.
 138. Summons to the bishop or his vicar-general, the bishop being abroad on 1 Sept., at the time of the summons.
 139. Attended ca. 4-ca. 24 Nov. only; *Register* 1: 91-92.
 140. On 25 Oct. he proposed (when in his diocese) to attend the royal council at Reading. His vicar-general then acted until post 18 Dec.
 141. Although a Bishop "Thomas" of Llandaff was summoned to this and the next two parliaments, there was no recognized bishop of Llandaff of this name at the time. John Wells had been papally provided on 9 July 1423 but was not permitted by the English authorities to take up the appointment until Jan. 1426. John Cliderow was similarly provided, to Bangor, 19 April 1423, but did not complete his appointment in the eyes of the En-

- glish authorities until March 1425 (spirits.) and Jan. 1426 (temps.)
142. John Stafford, treasurer of England, received temps. 12 May, and was consecrated, 27 May. The compiler of the record of convocation (*Reg. Chichele* 3: 103) referred back to him as "Johannes Bathon' et Wellen'" in respect of 9 May but was writing some weeks later, and his presence in convocation was as a royal messenger on this occasion.
 143. Archbishop Henry Bowet of York died, 23 Oct. 1423, and Martin V translated Richard Fleming of Lincoln to fill the place, 10 Feb. 1424. Fleming was not accepted by the regency council, which in addition deprived him of the temporalities of Lincoln. Thus the writs of summons regarded both York and Lincoln as vacant and cited *cust. sp.* in each case. This was correct practice, in fact; Archbishop Chichele had confirmed Richard Hethe, canon residentiary of Lincoln, as *cust. sp.* on the nomination of the cathedral chapter, accepting in theory the efficacy of the pope's spiritual mandate in translating Fleming from Lincoln; *Reg. Fleming* (Lincoln), fols. 28v-30; *Reg. Chichele* 4: 269-70.
 144. John Wakering summoned, but died on 9 April.
 145. See note 141.
 146. See note 151.
 147. *Cust. sp.* summoned, 7 Jan., but John Cliderow had temps. at Leicester, 15 Jan. See note 141.
 148. Although, as at the last two parliaments (see note 141), "Thomas Landaven" had been summoned, John Wells had temps. at Leicester, 15 Jan., and thereby completed his drawn-out appointment.
 149. John Chaundler was probably absent; he had not attended a parliament since 1421 and was not included in the very full list of lords attendant on 4 March; *Procs. & Ords. P.C.* 3: 189.
 150. *Cust. sp.* summoned, Fleming being still in disgrace; see note 143.
 151. John Kemp: trans. from London to York, 20 July 1425; temps., 22 April 1426. William Grey: prov. to London, 20 July 1425; temps. (at Leicester), 6 May 1426, and cons. there, 26 May; spirits., 27 May.
 152. Philip Morgan: trans. from Worcester to Ely, 27 Feb. 1426; temps., 22 April.
 153. Thomas Polton: trans. from Chichester to Worcester, 27 Feb.; temps., 23 April or 2 May.
 154. Earlier in April these bishops had attended the convocation of Canterbury at St. Pauls; *Reg. Chichele*, 3: 173-79. Also present were Chichele and Stafford of Bath & Wells, who definitely went on to the parliament, and Polton and Morgan, who also went to Leicester, where they sat in respect of the sees to which they had recently been translated. Archbishop Kemp of York addressed the southern convocation on behalf of the crown, and he too went on to Leicester.
 155. John Rickingale: prov. to Chichester, 27 Feb.; temps., 1 May. He was not consecrated until 30 June, when he also obtained spirits.; but as early as 12 March he referred to himself as bishop of Chichester; BL Cotton Cleopatra C iv, fol. 170r-v.
 156. See note 150.
 157. William Alnwick: prov. to Norwich, 27 Feb.; temps. (and probably spirits.), 4 May; not cons. until 18 Aug. As keeper of the privy seal, he must almost certainly have been present, but see, e.g., *Procs. & Ords. P.C.* 3: 199 (11 July 1426) where there is no reference to his pending episcopal status.
 158. After 25 Oct.; *Reg. Lacy* (C. & Y.S.) 1: 206.
 159. Cardinal Beaufort was leading a papal crusade towards Bohemia; see G. A. Holmes, "Cardinal Beaufort and the crusade against the Hussites," *E.H.R.* 88 (1973): 721-50.
 160. *Cust. sp.* summoned. Robert Neville had temps., 10 Oct.; spirits., 27 Oct.; but he was at Oxford thereafter; *Reg. R. Neville*, fols. 1-2v; St. Pauls Cathedral: WD 13, fol. 122.
 161. See note 159.
 162. Thomas Langley appointed proctors, but perhaps with the second session in mind, when he was indeed absent; PRO SC10/48/2390, nos. 2 & 5.
 163. Beaufort returned from France by 5 Nov.; "Registrum Johannis de Amundesham," in *Annales Monasterii Sancti Albani*, ed. H. T. Riley (RS, 1870-1) 1: 44.
 164. Spofforth was out of the realm for a year from July 1429, having been licensed to make a pilgrimage to Rome (and subsequently commissioned to negotiate with Aragon on the crown's behalf).
 165. William Barrow summoned, but died, 4 Sept.
 166. *Cust. sp.* summoned, 27 Nov. 1430, but Simon Sydenham had temps., 24 Jan. 1431; profession of obedience to archbishop, spirits. and cons., 12 Feb.
 167. Richard Fleming died, 25 Jan. 1431.
 168. Left ante 12 June; *Reg.*, fol. 28.
 169. Benedict Nicoll had made a visitation of his cathedral on 28 April and the days following, but this need not have precluded his attendance at parliament a fortnight later. It may be noteworthy that his report on the visitation was not issued until 28 July; BL Harley ms. 1249, fols. 275, 282.
 170. Summons to bishop or vicar-general, in expectation of the former leaving the country to attend the Council of Basel.
 171. F. C. Hingeston-Randolph, in editing *Reg. Lacy* (London, 1909), pp. 156-57, records an entry (*Institutions*, fol. 115) as executed by Lacy in London on 21 July, but it seems improbable, and he notes that the register is disordered at this point. It was at most a perfunctory absence from his diocese, where he is found on 16 and 29 July.
 172. Bishop Polton or his vicar-general summoned, because the bishop was due to go to the Council of Basel. He died there, 23 Aug.
 173. Probably on the Scottish border; see R. L. Storey, "Marmaduke Lumley, bishop of Carlisle, 1430-50," *Trans. Cumberland and Westmorland Arch. & Arch. Soc.* 55 (1956): 119.
 174. The precise terminal date is not given in the *Handbook of British Chronology* (2nd ed., 1961), but 21 Dec. is suggested by Roskell, *Commons and their Speakers* . . . , p. 211. "John Benet's Chronicle," ed. G. L. Harriss, in *Camden Miscellany* 24 (1972):

- 183–84 (which ignores the earlier prorogation) says that “the parliament continued ‘usque Purificationem’” (2 Feb.), although there seems no supporting evidence. However, the chronicle is generally interested and accurate in the dates of parliamentary sessions and has to be noticed, and the evidence of bishops’ itineraries, while not conclusive, is interesting. Of the fourteen bishops who attended the session before Christmas, there is no further evidence regarding Chichester, Carlisle or St. Asaph. Robert Neville of Salisbury definitely did not return from his diocese in the new year. Of the remaining ten, however, at least seven traveled back to the capital in the third or fourth week of January, two more (Winchester and Rochester)—the evidence in their cases being scantier—were certainly there early in February, and Langley of Durham had remained in London throughout. Evidence is sparse, but there is no sign of any bishop absent before Christmas now appearing. All this is no proof of a parliamentary assembly, because all the bishops who returned were associated with the government of the realm in any case, and there is no evidence, save in the case of Alnwick of Norwich, that they withdrew to their dioceses once more soon after the supposed terminal date. However, on the evidence, the chronicler could indeed have had some particularly notable meeting in mind.
175. John Lowe had temps. 17 Oct. 1433; spirits. 21 Oct.
176. Exeter, Coventry & Lichfield, Hereford and Llandaff were cited to appear in parliament without excuse, 1 Nov. (*R.D.P.* 4: 887), but the first two at least did not do so. St. Davids and Bangor were not cited but are not in the lists of those attesting on 4 Nov. in parliament or thereafter (*R.P.* 4: 422) and, in common with the other absentees, are not in the record of the concurrent convocation of Canterbury.
177. Philip Morgan died at Hatfield (Herts.), 25 Oct.
178. After 7 Nov.; Reg. Bourghier (Worcester), fol. 10v.
179. *Cust. sp.* of Lincoln summoned, but William Alnwick trans. from Norwich, 19 Sept. 1436; temps. 16 Feb. 1437. Thomas Brouns trans. from Rochester to Norwich and temps., same chronology. (He was still acting as bishop of Rochester, 30 Jan. 1437; PRO C85/144/15). William Wells prov. to Rochester, 19 Sept. 1436, but temps. 21 March 1437 and cons. 24 March at Westminster. Hence, all three bishops were probably reckoned as attendant upon the parliament in its final days.
180. At meetings of the royal council in early April; *Procs. & Ords. P.C.* 5: 6–14.
181. *Cust. sp.* summoned, but Thomas Cheriton prov., 5 March 1436; temps. 21 Nov.; cons. 25 Nov.; spirits, 26 Nov. 1436. For evidence of his probable attendance, see Reg. *Chichele* 1: 121, Reg. Heyworth (Cov. & Lich.), fols. 165v–v; *CPR*, 1436–41, p. 286.
182. For once, Beaufort was not a trier of petitions, but he was certainly at Westminster in early April; *Procs. & Ords. P.C.* 5: 6, 8, 9.
183. Summons to Lewis of Luxembourg, “administrator” of the see, which he held in *commendam*, or his vicar-general, as also in 1440 and 1442.
184. Attended after 22 Jan.; Reg. J. Stafford (Somerset Rec. Soc., 1915–16), p. xxxii.
185. See note 183.
186. Probably until 15 March; PRO E404/59/289.
187. See note 183.
188. A petition from William Lyndwood to the king, dated 1 March 1445, spoke of the “divers infirmities” that prevented his making diocesan visitations in person. This may be evidence of the bishop’s absence from the parliament, but equally the dating (the king agreed to the request the same day) and the context might imply that he was actually absent from his diocese and perhaps present in parliament; PRO E28/75/1.
189. At “Winchester,” 17 May; Durham, Prior’s Kitchen: Register of Durham Cathedral Priory, 4: fol. 21.
190. Only between 9 May and, at latest, 16 May; Reg. Alnwick, fols. 62v, 95, 176, 193v.
191. In diocese for ordinations, 22 May.
192. Vicar-general acting in diocese, 8 Dec.
193. At Southwark, 3 Jan. 1446, but at Canterbury, 20 Jan.; Winchester DRO: Common Seal of Priory 1: fols. 66v, 72v.
194. *Cust. sp.* summoned, but Adam Moleyns, keeper of the privy seal, had temps. as bishop, 3 Dec., although not cons. until 6 Feb. 1446. He was in London, 19 Dec.; T. Rymer, *Foedera* . . . (London, 1720) 11: 107–108, 111.
195. In London, 26 May; *Hist. Dunelm. Script. Tres*, appendix, no. 230.
196. Until 3 × 8 March.
197. Walter Lyhert: prov., 24 Jan.; temps., 26 Feb.; cons. and spirits, 27 Feb., at Lambeth.
198. Left before 2 April.
199. See note 194.
200. Marmaduke Lumley was appointed a trier of petitions (but see notes following) and was treasurer of the realm, so may be thought a probable attendant.
201. Cardinal Beaufort was appointed as a trier of petitions, but he had made his will at Wolvesey (Hants.), 20 Jan., was there on 5 Feb., and died there on 11 April; Winchester DRO: Common Seal Register of Priory 1: fols. 68, 69v; J. Nichols, *Royal Wills* (London, 1780), pp. 321–44. See K. B. McFarlane, “At the Deathbed of Cardinal Beaufort,” in *Essays in Medieval History presented to Sir F. M. Powicke* (Oxford, 1948), pp. 405–28, who, as the title of the paper suggests, implies no doubt that the bishop was absent from the parliament but produces no explicit evidence.
202. John Lowe was appointed as a trier of petitions but was at Halling in his diocese on 14, 18 and 26 Feb.; Register, fols. 209v, 211v.
203. Lists in College of Arms Ms. 2 H 13, fol. 390 (cited

- by Myers in *B.I.H.R.* 51 (1978): 81) of those present at a meeting on 4 April, and in BL Lansdowne ms. 229, fol. 17v (*English Historical Documents*, 1327-1485, ed. A. R. Myers, p. 469) for meetings of 20, 21 and 24 March. Carpenter of Worcester and Beauchamp of Hereford appear in none of these lists but are known to have been present earlier. Carpenter, however, had returned to his diocese by 31 March, and Beauchamp by 3 April.
204. William Aiscough was in London, 19 March, in Sonning, 24 March, but returned to London by 28 March, before leaving finally by 4 April; Register, fols. 114, 115.
 205. He was excused attendance and ordered to be in the north to meet a Scottish threat; *Procs. & Ords. P.C.* 6: 65. He made a visitation of Durham Cathedral, 10 March; Durham, Prior's Kitchen: *Locelli* xxvii. 20B, 84.
 206. Edmund Lacy appointed proctors, 23 Jan.; Register (C. & Y.S.) 3: 20.
 207. The lists of attendances relating to this parliament, referred to in note 203, are evidently not entirely complete, so the absences from the parliament of St. Davids and Bangor cannot be presumed.
 208. Marmaduke Lumley, treasurer of the realm, was definitely with the king at Winchester, 11 June; *Procs. & Ords. P.C.* 6: 75.
 209. The list in BL Harley ms. 6849, fol. 77 (printed by A. R. Myers in *B.I.R.U.L.M.* xxii (1938), pp. 402-404) notes all but the bishop of Lincoln. BL Harley ms. 78, fol. 1 (cited by Myers) and College of Arms Ms. 2 H 13, fol. 388r-v imply that the names relate to a debate on 19 June. Note also the names provided by business of the council at Winchester, 30 June; PRO E28/78/126. See p. 41 for a discussion of the evidence.
 210. Carpenter of Worcester and Lowe of Rochester were at St. Pauls, 1 July, and at "Le Place" by Lambeth, 7 July; Reg. Carpenter, fols. 69v, 218v.
 211. Died 5 Dec.
 212. Adam Moleyns was engaged upon an embassy to treat with the Scots at Durham, by 28 Nov.; *Procs. & Ords. P.C.* 6: 89. However, he was still in London, 26 Nov.; PRO E28/79/51 and cf. no. 26. He was granted an exemption for life from attendance at parliaments, 9 Dec.
 213. Marmaduke Lumley was in London, 16 and 27 Oct., having resigned as treasurer of the realm ante 18 Sept.; PRO E28/79/28, 36.
 214. Robert Neville had agreed a truce with the Scots at Durham, 14-15 Nov. (Rymer 11: 244-55), but presumably he might have come south with some speed to report thereafter.
 215. Lacy appointed proctors, 14 Oct.; Register (C. & Y.S.) 3: 48.
 216. Thomas Kemp: permitted to accept prov., 4 Feb.; temps., 6 Feb.; cons., 8 Feb. He was present the next day; College of Arms Ms. 2 H 13, fol. 388.
 217. College of Arms Ms. 2 H 13, fol. 388, lists thirteen bishops on 9 Feb., but is not proof of absence on the part of other bishops, of whom Worcester and St. Asaph at least are known to have attended.
 218. Marmaduke Lumley: trans. from Carlisle to Lincoln, 21 Jan. 1450; temps., 14 March, on which day Nicholas Close had temps. of Carlisle, after prov. on 30 Jan. Hence, in the final days of the session, at least, both sees may well have been represented in the parliament.
 219. John Carpenter announced his intention to attend, 4 May (Register, fol. 83), but there is no further evidence until he is found at Worcester, 30 May (fol. 83v).
 220. Reginald Pecock: trans. from St. Asaph to Chichester, 23 March; formal restitution of temps., 30 May. Thomas Bird: prov. to St. Asaph, 27 March; date of temps. not known but obviously not before 30 May, and his whereabouts cannot be traced. He was probably not consecrated until 14 Feb. 1451; W. Stubbs, *Registrum Sacrum Anglicanum* (2nd ed., 1897), p. 90.
 221. Marmaduke Lumley was at Stamford (Lincs.), 4 May, but there is no other information, and obviously he could have attended subsequently; Register, fol. 26. Lumley's personal register is patently a fragmentary representation of the episcopal business of this very big see, and it seems probable that he delegated nearly all routine business to commissaries, whose registers, if any, have not survived.
 222. Died 20 Nov.
 223. John Lowe was appointed as a trier of petitions and was at Westminster, 16 and 27 Oct.; PRO E28/79/28, 36.
 224. Richard Beauchamp was summoned, but he had completed his translation to Salisbury by 4 Oct. His successor, Reginald Boulders (already summoned to the parliament as abbot of St. Peter's, Gloucester) was prov., 18 Sept.; temps., 23 Dec.; cons., 8 Feb. 1451.
 225. Until ca. 28 March.
 226. Attended after 3 Feb.
 227. Thomas Kemp appears to have been at Wickham Bishops and St. Osyth's Priory, Colchester (Essex).
 228. At Southwark, 11 May; Reg. Waynflete (Winchester), fol. 11*.
 229. William Grey (II) had been provided, 23 Dec. 1450, but his appointment was not accepted by the crown (or the archbishop of Canterbury).
 230. According to his register, Thomas Kemp was at Wickham Bishops (Essex) throughout May, but he appears in council business, 18 and 31 May, 15 June; Register, fols. 9-10v; PRO E28/81/12, 27, 30.
 231. BL Harley ms. 158, fols. 124, 134v-35, contain two lists, neither in a contemporary hand. Both are headed "The names of the lords spiritual and temporal as they sat in the parliament at Westminster the xvii day of March in the xi year of king Henry the VI" (modernized). In the first 'xi' has been deleted (which can only be correct) and 'xxx' superscribed, which is to imply 1453, when parliament was indeed in session on that date (a Saturday)—but at Reading. This list (fol. 124) is identical in name and order of bishops, dukes,

- earls and viscounts with the second list (fols. 134v-35) and both omit reference to monastic prelates (a post-Reformation modification, no doubt), but the list of other lords temporal is highly anachronistic and reckoned by G. R. Elton, "The early Journals of the house of lords," *E.H.R.* 89 (1974): 485, to relate to the parliament of 1539. As to the second list, the names of the lords temporal point firmly to 1453-54, so that the specific reference to the "cardinal archbishop of Canterbury" must be to John Kemp rather than Thomas Bourghier or Henry Morton. References to the duke of Somerset and Lord Cobham exclude the only, and otherwise attractive, alternative of 17 March 1454, when the same parliament was still in session, and now at Westminster indeed, because by then both these lords were in custody. Besides, in this year 17 March was a Sunday. Furthermore, all twenty-one bishops are listed, but in March 1454 at least three, and probably six, were in fact absent. Yet, even while accepting the attribution to 1453, difficulties remain. Most particularly, Lacy of Exeter was certainly absent in his diocese at all times, while Cardinal Kemp himself apparently did not attend before 19 March. There are also, less explicit, queries raised in the notes following. The evidence of the list has, therefore, been left aside from the present record, pending more certain establishment of its purpose and nature in relation to the 1453 parliament. It might be added that the list of lay lords resembles closely, but not exactly, that also purporting to relate to 32 Henry VI, which is in College of Arms 2 H 13, fol. 383, but there are wide discrepancies in the order of seating which is claimed to be the prime purpose for both lists.
232. Absent (at Lambeth) from the opening of the parliament, Kemp arrived 19 × 22 March and pro-rogued the assembly on 28 March; *R.P.* 5: 227, 231.
 233. In London, 2 March, and had been appointed as a proctor by Bekynton of Bath & Wells (although see below).
 234. Bekynton appointed proctors, 1 March, but he did attend and was even appointed as a trier of petitions; *Reg. Bekynton* (Somerset Rec. Soc.), pp. 199, 201.
 235. *Cust. sp.* of Coventry & Lichfield summoned. Reginald Boulvers of Hereford had been granted custody of the temporalities of the see, 16 Jan. 1453; trans., 7 Feb.; formal restitution of temps. at Reading, 26 March, on which day John Stanbury of Bangor had temps. of Hereford, and James Blakedon those of Bangor. All three are listed in respect of their new sees, although, formally, Blakedon can only have enjoyed his place for the last three days of the session.
 236. Appointed proctors, 18 Feb.; *Reg. Lacy* (C & Y.S.) 3: 166.
 237. None of the four bishops from the southern province was noted, in a detailed record, as being among those present in the convocation of Canterbury at St. Pauls, 2 Feb.-3 March 1453; *Reg. J. Kemp* (Canterbury), fols. 219-20.
 238. Present post 30 April-ante 9 June.
 239. In his diocese, c.27 May-post 14 June.
 240. At Westminster, 9 May, and at Lambeth, 10 and 17 May, but in Rochester, 26 May and 9 June, and at Halling (Kent), 10 June; *Register*, fols. 223v-24; *PRO* C85/144/23, E28/83/7.
 241. With the court at Windsor, 23-24 April (*J. Anstis, Register of the Most Noble Order of the Garter* (London, 1724) 1: 149), but performed ordinations at Wells, 26 May; *Reg. Bekynton*, p. 498.
 242. All these bishops were at the great council at Westminster, 21 Nov.; *CPR*, 1452-61, p. 143.
 243. Appointed proctors, 3 Nov.; *Reg. Bekynton*, p. 221.
 244. Absent from diocese. At council at Westminster, 21 Nov. (note 242).
 245. Stanbury of Hereford (who was in London, 29 Oct.) and Lowe of Bangor were among Bekynton's appointed proctors, but in the circumstances this cannot be regarded as presumptive proof of attendance, as it might at other times.
 246. *R.P.* 5: 238.
 247. Died 22 March, having attended until 19 March; *R.P.* 5: 240.
 248. Present post 5 March-ante 17 April.
 249. Said to be absent, 14 Feb. and fined as such, without subsequent alleviation; *Procs. & Ords. P.C.* 6: 181-82.
 250. Fined for absence, without subsequent alleviation. Presumably it was of this occasion that de le Bere complained in 1457, claiming to have had a formal exemption from attendance.
 251. The absences of all six were noted in parliament and council at different times and all were fined, although the amounts were subsequently reduced because of fair excuse; Roskell, "Attendances . . .," p. 190 and n.3.
 252. Blakedon performed ordinations at Wells, 16 March; *Reg. Bekynton*, p. 500.
 253. Excused attendance by reason of a Scottish threat, he was at Newcastle on 3 July, and a letter was sent to him by the council, 9 July; *Procs. & Ords. P.C.* 6: 247-49.
 254. Appointed proctors, 20 June; *Reg. Lacy* (C. & Y.S.) 3: 209.
 255. Not mentioned in the lists of 10 and (especially notable) 24 July; *R.P.* 5: 279-80, 282. William Percy of Carlisle was of a family particularly unacceptable to the Yorkist victors of the first battle of St. Albans and was reported to have fled the battle; *Three Fifteenth-Century Chronicles*, ed. J. Gairdner (Camden Soc., N.S., 28, 1880): 152.
 256. Declared to have been absent, 15 Dec. (*PRO* E28/87/19; *Procs. & Ords. P.C.* 6: 281), but apparently attended earlier and perhaps withdrew without the approval of the Protector, the duke of York, or of the assembly as a whole. See p. 54, n. 66.
 257. Declared to have been absent, 15 Dec., and no evidence of attendance. The list of 10 Nov., however, includes "J. Anscopp" and "J. Oxford" among the bishops (*R.P.* 5: 253), which could refer to John Lowe of Rochester (who certainly did at-

- tend), James Blakedon of Bangor, or John de la Bere of St. Davids (who was, however, probably exempt from attendance).
258. Present c.28 Jan.-c.10 Feb.
259. Left ante 22 Feb.
260. Vicar-general acting in diocese, because the bishop was *in remotis*; Reg. Stanbury, fol. 23v.
261. Proctor for Bekynton of Bath & Wells, but he was at Abingdon, 13 March; Reg. Beauchamp (Sarum), *Memoranda*, pp. 166v-68.
262. Appointed proctors, 8 Jan.; Reg. Bekynton, pp. 264-65.
263. Appointed to consecrate an altar at Beverley (Yorks.), 2 Feb. 1456; Reg. W. Booth (York), fol. 368.
264. *Cust. sp.* summoned, but John Hals had temps., 31 Oct.; cons. at Coventry, 25 Nov.; appears in the list of 11 Dec.; R.P. 5: 351.
265. Absent from lists of 20 Nov. and 11 Dec., which seem by their purpose quite definitely to rule out his attendance. At Halling (Kent), 20 Dec.; Reg., fol. 233v.
266. Not listed as being present (see above).
267. Post 2 Nov.-ante 26 Nov.
268. Present in Oct., but returned to diocese by 15 Nov.
269. Resignation of John de la Bere to the pope and prov. of Robert Tully, 23 July. Tully had temps. at Westminster, 20 Oct.; Rymer 11: 464. No recorded summons to either the bishop (de la Bere being personally exempt, in fact) or the keeper of the spiritualities; R.D.P. 4: 945.
270. Stanbury's whereabouts are difficult to ascertain, especially in view of his political alignment as Henry VI's confessor. He was at Bosbury (Herefordshire), 15 Oct., and at Hereford itself, 28 Nov.; Register, pp. 55-56 and manuscript Register, fol. 42.
271. Said to be with Margaret of Anjou at York, Jan. 1461; C. L. Scofield, *The life and reign of Edward IV* (London, 1923) 1: 134. His register is silent until he reappears at Lichfield, 16 April.
272. See note 271.
273. At Rochester, 27 Feb.; Reg., fol. 234.
274. Dunham, *The Fane Fragment*, gives actual attendances on several days between 28 Nov. and 11 Dec. See also R. L. Virgoe, "A new fragment of the Lords' Journal of 1461," in *B.I.H.R.* 32 (1959): 83-87, for attendances on 5 and 12 Dec., and College of Arms Ms. 2 H 13, fols. 387v, 389, for attendance on 3 and 10 Dec.
275. Grey of Ely and Lowe of Rochester were still in their dioceses when the parliament began but attended latterly.
276. Percy is not recorded as being present after 3 Dec. by the fragments of record.
277. Appointed proctors, 19 Oct.; Reg. Bekynton, p. 366. His personal exemption had been confirmed by the new dynasty, 12 July.
278. Thomas Bird may have been, in practice, suspended as being in rebellion, as stated by J. C. Wedgwood, *History of Parliament: register of the ministers and of the members of both houses, 1439-1509* (London, 1938), p. 297, although he was summoned, and was not deprived of his see formally until Jan. 1463. College of Arms Ms. 2 H 13, fol. 389, records him as being present on 3 Dec., whereas all other lists exclude him. The list is otherwise exceptional in omitting reference to Arundell of Chichester; hence, the possibility of a mistranscription by the seventeenth-century compiler, Sir William Dethick, must be considered.

TABLE 1
Summary of Attendances, by Diocese

	1376-1398				1399-1413				1413-1421				1422-1437				1439-1461				1376-1461			
	a	b	c	d	a	b	c	d	a	b	c	d	a	b	c	d	a	b	c	d	a	b	c	d
Canterbury	28	—	—	—	13	—	—	—	11	—	—	1	17	—	—	—	27	—	—	—	96	—	—	—
York	16	10	1	1	8	1	—	4	7	5	—	—	11	2	—	4	26	—	1	—	68	18	2	9
Durham	20	8	—	—	7	4	—	2	12	—	—	—	13	4	—	—	10	4	13	—	62	20	13	2
Winchester	27	—	—	1	10	2	1	1	11	1	—	—	14	2	1	—	21	1	5	—	83	6	6	2
London	27	—	—	1	8	1	1	3	9	2	—	1	16	1	—	—	20	3	—	4	80	7	1	9
Lincoln	15	13	—	—	11	2	—	—	11	1	—	—	10	3	—	4	22	2	—	3	69	21	—	7
Norwich	18	9	—	1	6	6	—	1	6	2	1	3	13	—	—	4	24	2	1	—	67	19	2	9
Ely	24	4	—	—	10	3	—	—	8	2	2	—	10	1	4	2	20	—	7	—	72	10	13	2
Salisbury	27	1	—	—	7	6	—	—	6	5	—	1	4	9	—	4	21	6	—	—	65	27	—	5
Bath and Wells	14	12	2	—	9	2	1	1	6	6	—	—	14	3	—	—	17	10	—	—	60	33	3	1
Exeter	21	6	—	1	9	4	—	—	5	6	—	1	5	12	—	—	4	21	—	2	44	49	—	4
	237	63	3	5	98	31	2	12	92	30	3	7	127	37	5	18	212	49	27	9	766	210	40	51
Coventry & Lichfield	10	18	—	—	1	12	—	—	6	5	—	1	7	10	—	—	16	11	—	—	40	56	—	1
Worcester	18	8	2	—	9	4	—	—	7	4	1	—	15	1	—	1	20	7	—	—	69	24	3	1
Hereford	27	1	—	—	10	2	1	—	7	2	2	1	3	13	1	—	13	11	2	1	60	29	6	2
Chichester	11	3	11	3	7	3	3	—	2	2	1	7	5	5	4	3	12	5	9	1	37	18	28	14
Rochester	11	11	6	—	5	1	3	4	—	4	7	1	15	1	1	—	14	8	5	—	45	25	22	5
Carlisle	5	7	15	1	3	6	4	—	—	4	7	1	6	5	4	2	11	2	14	—	25	24	44	4
	82	48	34	4	35	28	11	4	22	21	18	11	51	35	10	6	86	44	30	2	276	176	103	27
St. Davids	9	8	10	1	11	1	—	1	10	—	2	—	9	1	6	1	7	5	14	1	46	15	32	4
St. Asaph	10	4	10	4	2	1	2	8	—	7	4	1	3	13	—	1	8	2	17	—	23	27	33	14
Bangor	11	6	10	1	4	—	4	5	10	—	2	—	6	2	3	6	9	4	14	—	40	12	33	12
Llandaff	7	5	13	3	4	2	6	1	5	—	7	—	3	1	9	4	9	1	17	—	28	9	52	8
	37	23	43	9	21	4	12	15	25	7	15	1	21	17	18	12	33	12	62	1	137	63	150	38
Total	356	136	80	18	154	63	25	31	139	58	36	19	199	89	33	36	331	105	119	12	1179	449	293	116

a Attendances, b Absences, c Not known, d Vacancies/not summoned.

TABLE 2

The Attendance Record of Individual Bishops at Sessions of Parliament, 1376-1461

			Present	Absent	Not Known
W. Aiscough	Salisbury	1438-1450	13	1	—
W. Alnwick	Norwich	1426-1436	9	—	—
	Lincoln	1437-1449	12	1	—
T. Appleby	Carlisle	(1363)-1395	4	7	15
T. Arundel	Ely	(1374)-1388	19	1	—
	York	1388-1396}	6	—	—
	Canterbury	1397}	15	—	—
		1399-1414)			
J. Arundell	Chichester	1459-(1477)	2	—	2
N. Ashby	Llandaff	1441-1458	6	1	15
A. Bache	St. Asaph	1390-1394	1	—	3
A. Barret	Llandaff	1395-1396	—	—	—
W. Barrow	Bangor	1418-1423	3	—	2
	Carlisle	1423-1429	3	2	3
R. Beauchamp	Hereford	1449-1450	3	3	—
	Salisbury	1450-(1481)	8	5	—
H. Beaufort	Lincoln	1398-1405	5	—	—
	Winchester	1405-1407	36	4	5
T. Bekynton	Bath & Wells	1443-(1465)	14	10	—
T. Bird	St. Asaph	1450-(1463)	2	3	9
J. Blakedon	Bangor	1453-(1464)	4	4	2
L. Booth	Durham	1457-(1476)	2	—	2
W. Booth	Cov. & Lich.	1447-1452	7	2	—
	York	1452-(1464)	10	—	—
J. Bottlesham	Rochester	1400-1404	3	—	—
W. Bottlesham	Llandaff	1386-1390	1	—	2
	Rochester	1390-1400	2	6	2
R. Boulers	Hereford	1450-1453	1	1	—
	Cov. & Lich.	1453-1459	6	—	—
T. Bourghier	Worcester	1435-1444	3	2	—
	Ely	1444-1454	14	—	3
	Canterbury	1454-(1486)	7	—	—
H. Bowet	Bath & Wells	1404-1407	5	1	1
	York	1407-1423	9	8	—
T. Brantingham	Exeter	(1370)-1394	18	7	—
R. Braybrooke	London	1381-1404	24	1	—
T. Brinton	Rochester	(1374)-1389	10	5	5
E. Bromfield	Llandaff	1390-1393	—	2	2
T. Brouns	Rochester	1435-1436	1	—	—
	Norwich	1437-1445	5	1	1
N. Bubwith	London	1406-1407	1	—	—
	Salisbury	1407	1	—	—
	Bath & Wells	1407-1424	10	9	—
J. Buckingham	Lincoln	(1363)-1398	15	14	—
J. Burghill	Llandaff	1396-1398	1	—	2
	Cov. & Lich.	1398-1414	1	14	—
J. Carpenter	Worcester	1444-(1476)	18	4	—
J. Catterick	St. Davids	1414-1415	1	—	—
	Cov. & Lich.	1415-1419	3	3	—
J. Chaundler	Salisbury	1418-1426	4	7	—
J. Chedworth	Lincoln	1451-(1471)	10	—	—
T. Cheriton	Bangor	1436-1448	2	—	7
H. Chichele	St. Davids	1408-1414	5	—	—
	Canterbury	1414-1443	30	—	—
L. Childe	St. Asaph	1382-1389	1	3	5
J. Cliderow	Bangor	1426-1435	4	2	5
R. Clifford	Worcester	1401-1407	5	1	—
	London	1407-1421	13	2	1

TABLE 2 (continued)

			Present	Absent	Not Known
N. Close	Carlisle	1450-1452	—	—	4
	Cov. & Lich.	1452	—	—	—
R. Courtenay	Norwich	1413-1415	1	—	1
W. Courtenay	London	(1375)-1381	7	—	—
	Canterbury	1381-1396	19	—	—
R. Craddock	Llandaff	(1361)-1382	1	2	7
J. de la Bere	St. Davids	1447-1460	4	4	8
J. de la Zouche	Llandaff	1408-1423	6	—	11
R. de Lancaster	St. Asaph	1414-1433	—	20	4
H. Despenser	Norwich	(1370)-1406	22	13	—
R. Erghum	Salisbury	(1375)-1388	19	1	—
	Bath & Wells	1388-1400	6	4	—
R. Fitzhugh	London	1431-1436	3	1	—
R. Fleming	Lincoln	1420-1424)	8	3	—
		1426-1431)			
J. Fordham	Durham	1381-1388	8	5	—
	Ely	1388-1425	24	9	6
J. Gilbert	Hereford	(1375)-1389	19	1	—
	St. Davids	1389-1397	4	1	2
R. Gilbert	London	1436-1448	7	2	—
W. Grey I	London	1426-1431	6	—	—
	Lincoln	1431-1436	4	—	—
W. Grey II	Ely	1454-(1478)	6	—	1
R. Hallum	Salisbury	1407-1417	5	6	—
J. Hals	Cov. & Lich.	1459-(1490)	3	1	—
J. Harwell	Bath & Wells	(1366)-1386	5	10	1
T. Hatfield	Durham	(1345)-1381	7	—	—
W. Heyworth	Cov. & Lich.	1420-1447	10	18	—
A. Houghton	St. Davids	(1361)-1389	5	7	8
J. Hunden	Llandaff	1458-(1476)	2	—	2
J. Kemp	Rochester	1419-1421	—	3	—
	Chichester	1421-1422	—	1	—
	London	1422-1426	6	—	—
	York	1426-1452	27	—	1
	Canterbury	1452-1454	3	—	—
T. Kemp	London	1450-(1489)	14	1	—
E. Lacy	Hereford	1417-1420	2	—	—
	Exeter	1420-1455	8	33	—
J. Langdon	Rochester	1422-1434	13	1	1
T. Langley	Durham	1406-1437	31	4	—
J. Langton	St. Davids	1447	—	—	—
J. Lowe	St. Asaph	1433-1444	5	—	1
	Rochester	1444-(1467)	13	6	5
M. Lumley	Carlisle	1430-1450	11	3	5
	Lincoln	1450	1	1	—
L. of Luxembourg	Ely	1438-1443	—	—	3
W. Lyhert	Norwich	1446-(1472)	20	1	—
W. Lyndwood	St. Davids	1442-1446	—	—	4
R. Mascal	Hereford	1404-1416	11	2	3
R. Medford	Chichester	1390-1396	1	—	4
	Salisbury	1396-1407	5	5	1
T. Merk	Carlisle	1397-1400	2	—	1
G. Mohun	St. Davids	1397-1407	8	1	—
A. Moleyns	Chichester	1445-1450	5	1	1
P. Morgan	Worcester	1419-1426	8	2	—
	Ely	1426-1435	10	—	—
A. Neville	York	(1374)-1388	8	9	1
G. Neville	Exeter	1456-(1465)	4	—	—
R. Neville	Salisbury	1427-1438	4	2	4
	Durham	1438-1457	8	3	12

TABLE 2 (*continued*)

			Present	Absent	Not Known
B. Nicoll	Bangor	1408-1418	11	—	1
	St. Davids	1418-1433	9	—	8
S. Patrington	St. Davids	1415-1417	5	—	—
R. Pecock	St. Asaph	1444-1450	3	—	5
	Chichester	1450-1457	4	—	6
W. Percy	Carlisle	1452-(1462)	3	2	5
T. Peverel	Llandaff	1398-1407	3	2	3
	Worcester	1407-1419	8	4	1
T. Polton	Hereford	1420-1422	—	2	—
	Chichester	1422-1426	1	5	—
	Worcester	1426-1433	7	1	—
R. Praty	Chichester	1438-1445	1	4	—
R. Rede	Carlisle	1396	—	—	—
	Chichester	1397-1415	9	4	6
W. Rede	Chichester	(1369)-1385	5	3	7
P. Repingdon	Lincoln	1405-1419	14	3	—
J. Rickingale	Chichester	1426-1429	—	—	3
T. Rudbourne	St. Davids	1433-1442	4	—	1
T. Rushook	Llandaff	1383-1386	4	—	—
	Chichester	1386-1388	3	—	—
R. Scrope	Cov. & Lich.	1386-1398	9	4	—
	York	1398-1405	5	—	—
W. Skirlaw	Cov. & Lich.	1386	1	—	—
	Bath & Wells	1386-1388	3	—	1
	Durham	1388-1406	7	7	1
T. Spofforth	Hereford	1422-1448	4	18	3
W. Spridlington	St. Asaph	1376-1382	6	1	2
E. Stafford	Exeter	1395-1419	14	10	—
J. Stafford	Bath & Wells	1425-1443	16	—	—
	Canterbury	1443-1452	14	—	—
J. Stanbury	Bangor	1448-1453	2	—	4
	Hereford	1453-(1474)	8	2	—
R. Stretton	Cov. & Lich.	(1360)-1385	—	15	—
W. Strickland	Carlisle	1400-1419	2	10	8
S. Sudbury	Canterbury	(1374)-1381	7	—	—
J. Swaffham	Bangor	1376-1398	12	6	10
S. Sydenham	Chichester	1431-1438	4	—	2
A. Tottington	Norwich	1407-1413	2	3	—
J. Trefnant	Hereford	1389-1404	12	—	1
J. Trevor	St. Asaph	1395-1405	4	1	3
R. Tully	St. Davids	1460-(1482)	1	1	1
H. Wakefield	Worcester	(1375)-1395	16	8	2
J. Wakering	Norwich	1416-1425	8	2	—
R. Waldbay	Chichester	1396-1397	—	—	—
	York	1397	2	—	—
R. Walden	Canterbury	1398-1399	1	—	—
	London	1405-1406	—	—	—
J. Waltham	Salisbury	1388-1395	6	—	—
H. Ware	Chichester	1418-1420	1	—	—
W. Waynflete	Winchester	1447-(1486)	17	—	1
J. Wells	Llandaff	1426-1440	3	3	8
W. Wells	Rochester	1437-1444	3	1	—
R. Whelpdale	Carlisle	1420-1423	—	—	4
T. of Winchcombe	Llandaff	1394-1395	—	—	1
	Worcester	1395-1401	3	1	1
W. of Wykeham	Winchester	(1367)-1404	30	2	—
R. Young	Bangor	1400-1407	1	—	3
	Rochester	1407-1418	1	2	10

The Making of Law: Hierarchies of Courts and Hierarchies of Values*

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When President Eliot in 1870 persuaded Henry Adams to return to his alma mater as a professor of history, the undertaking was a failure. Or so Adams would have us believe. After some years of trying to lead his students through the trackless forest of early European tribal history in order to uncover the beginnings of Western legal institutions, Adams gave up.¹ In 1890 President Eliot had greater success when he prevailed on another alumnus to become a professor of law. This was Jeremiah Smith, a New Hampshire lawyer who had for several years been a justice of the New Hampshire Supreme Court.

On the basis of hearsay, I have given Jeremiah Smith—teacher and judge—an honored place in my own idiosyncratic pantheon. And, as I will explain in a moment, it is he who has furnished a starting point for these thoughts on the making of law. What makes me specially intrigued by Jeremiah Smith is a story I remember hearing as a child, told to me by my father who was a student at Harvard Law School in the years 1907–10. Somewhere in that period, Smith, then about seventy, walked into class one day, less briskly than was his wont. He made his way quite slowly to the lectern, laboriously put down his books, looked somberly about, and said: “Gentlemen”—the all-sufficient vocative in those days—“I wish to apologize if I seem somewhat subdued to-

day. This is a sad day in the annals of my family. This is the one-hundredth anniversary of my brother's death.”

Of course the well-bred young men in Austin Hall, deeply embarrassed, thought that Professor/Judge Smith had taken leave of his senses. And of course he had not. The fact was that Jeremiah Smith's half-brother had died in childhood some thirty years before Jeremiah was born. Jeremiah's father—the senior Jeremiah Smith, who served as Chief Justice and as Governor of New Hampshire—had, as a youth of eighteen, fought at the battle of Bennington; he was born in 1759. Father and son, leaders of their state and their profession, covered one hundred and sixty years of our country's history. And the younger Jeremiah, as he neared the end of his career, was quite prepared to tell students—as Henry Adams was not—about the sources of law. From his terse lecture I take my text this evening:

Of course judges make law. I made some myself.

Jeremiah Smith's candor was something of a novelty. But his insight into how law builds in a common-law system was not. In 1717, Bishop William Hoadly, preaching to George I, put it this way:

Whoever hath an absolute authority to interpret written or spoken laws; it is he who is truly the lawgiver to all intents and purposes and not the person who wrote or spoke them.²

What is true of the common law process generally is most particularly true of the

* Read 20 April 1984.

constitutional process. To maximize individual liberty, the Framers wrote a charter of limited government. The Constitution compartmentalized the powers of government: much authority was conferred on the collective federation, the United States, but much was reserved to the quasi-sovereign several states; and the powers vested in the United States were themselves sub-divided among the three co-equal branches of the federal government. Further, to preserve cherished freedoms, the Constitution, chiefly through the addition of the Bill of Rights and the post-Civil War Amendments, imposed restraints on the conduct of all officials, federal and state alike.

The proper construction of many provisions of the Constitution is plain enough—the length of the Presidential term, for example, or which House of Congress originates revenue bills, or how frequently a census is required to be conducted. But the crucial constitutional phrase “regulate . . . commerce among the several states”—the most spacious of Congress’s domestic powers—is not self-defining. Nor is “establishment of religion” or “freedom of speech” or “due process of law” or “the equal protection of the laws.” Unsurprisingly, it has fallen to the judges of the state and federal courts—and, most particularly, to the Justices of the Supreme Court—to give content to these words. It seems to have been apparent to most of the Framers that implementing the restraints embodied in a written Constitution would be a job likely to be assumed by judges. To a few this was wrong in principle. According to the Convention debates:

MR. Mercer . . . disapproved of the Doctrine that the Judges, as expositors of the Constitution should have authority to declare a law void. He thought laws ought to be well and cautiously made, and then to be uncontrollable.³

For others, the undemocratic accretion of judicial power was a necessary evil, grudgingly acquiesced in:

MR. Dickenson was strongly impressed with the remark of Mr. Mercer as to the power of the Judges to set aside the law. He thought no such power ought to exist. He was at the same time at a loss what expedient to substitute. The Justiciary of Aragon he observed became by degrees the lawgiver.⁴

For still others—most notably, Mr. Madison and Mr. Hamilton, the principal architects of the new republic—judicial review of state governmental action and of actions of the legislative and executive branches of the federal government was a necessary good. And, fittingly enough, it was in a law suit involving Mr. Madison—*Marbury v. Madison*,⁵ in 1803—that John Marshall and his brethren for the first time exercised the judicial power to invalidate a law passed by Congress.

It was against this familiar background that DeTocqueville, visiting America in the 1830s, found us to be a nation almost consumed by law—a nation in which virtually any major political issue was likely to be transmogrified into what the Constitution calls a “case” or “controversy” to be resolved by a judge.

In the first quarter of the nineteenth century, under Marshall and Joseph Story, the main burden of the Supreme Court’s constitutional adjudication consisted of enforcing the supremacy of the nation against the parochial and divisive aggrandizements of the states. Half a century elapsed after *Marbury v. Madison* before the Court next ventured to set aside a law of Congress; and that catastrophic decision, *Dred Scott*⁶—in which Chief Justice Roger Brooke Taney barred Congress from limiting slavery in the territories and announced that no former slave or descendant of a slave could ever become a citizen of the United States—ushered in the Civil War.

As our country managed to survive the Civil War, so too our constitutional processes managed to survive *Dred Scott*. Managed to survive and, almost a century later, to re-

pudiate the jurisprudence of racial degradation—the opprobrious “separate but equal” doctrine announced in 1896, in *Plessy v. Ferguson*⁷—which was *Dred Scott*’s legacy. On 17, May 1954, in *Brown v. Board of Education*,⁸ Chief Justice Warren and his brethren found in the Constitution what Mr. Jefferson had tried to make clear in the Declaration—that all men are created equal.

Next month, when we observe the thirtieth anniversary of *Brown*, we should recognize that it is a decision which has done even more than exorcise “separate but equal.” It has altered the entire American legal order. Since 1954, judges have come to understand that the maintenance of the constitutional liberties of each man and woman and child in the land—to worship, to speak, to write, to vote, to be treated fairly and with dignity by those we entrust with the power to govern—is the principal end of law. And *Brown* and the cases which followed it have had comparable impact on courts around the world—in Great Britain and the Commonwealth countries, including India; on the European continent; in Israel; and in the Third World. And, most tellingly, in the International Court of Justice. In 1966, in the *South West Africa Cases*,⁹ the American member of the court, your own Philip Jessup, filed an opinion which changed the texture of international law. The question was whether South Africa’s imposition of *apartheid* on the inhabitants of South West Africa, a trust territory administered by South Africa as surrogate for the United Nations, contravened South Africa’s trust obligations. The Court, speaking through its President, Judge Percy Spender, found the question non-judicial. Judge Jessup, dissenting, respectfully disagreed, and placed compelling reliance on post-*Brown* decisions of the United States Supreme Court. The lesson was lost on the majority of the International Court.¹⁰ But it was not lost on the majority of the nations of the world.

A dissenting judge who is right—a Jessup, or a Holmes, or a Brandeis, or a Black, or a Frankfurter—makes the law of the future. He does it by educating bench and bar to another view which may, in a subsequent case, provide a ground for asking the tribunal to reconsider its earlier ruling.¹¹ To be sure, *stare decisis*—reliance on precedent—is the norm in a common-law system. But the norm is not an absolute, where further consideration discloses error in what went before. Especially is this so in constitutional matters, as the Supreme Court itself has repeatedly recognized: the momentous public consequences which frequently attach to constitutional decisions, and the finality that can only be countermanded by constitutional amendment, require that the Justices be open to reexamination of prior constitutional rulings.

For disagreeing judges to voice their dissent is healthy. But criticism of the prevailing judicial view cannot depend solely on the happenstance of non-unanimity within the tribunal. It is proper—indeed, it is essential—that courts be monitored from without. To this end, law reviews serve as courts of last resort in which judicial errors are regularly exposed. But there is also the court of public opinion which, over time, can have a significant impact on the thinking of the justices. It was to that court that Lincoln sought to appeal the decision announced by Chief Justice Taney in *Dred Scott*—a decision which, in his debates with Stephen Douglas, Lincoln accepted as the rule of decision of the immediate controversy but rejected as a long-term rule of governance, hoping that in the fullness of time the Court would be persuaded to retreat from error. But the shelling of Fort Sumter came too soon.

Lincoln’s assault on Taney’s handiwork was relentless and devastating—and wholly constructive. The judicial process is strengthened by that sort of attack. There are other modes of attack which are sub-

versive of the judicial process. The point was well made—unforgettably made—in the spring of 1973 by your late colleague William Hastie, Judge of the United States Court of Appeals for the Third Circuit, one of the great lawyers and jurists of our time. The occasion was the 1973 Roberts Lecture at the University of Pennsylvania Law School. Hastie spoke on *Judicial Role and Judicial Image*. In the course of his address, Hastie noted the importance of “principled criticism” of the courts, “an invaluable corrective of otherwise unrealized error.” Hastie then contrasted “principled criticism” with “outcry against the courts by those who seek to make them partisan.” Of this latter phenomenon he offered examples, including “repeated threats from vocal local officials that judges will be opposed and defeated for reelection if they do not conform their own honest and lawful sentencing practices to the Draconian thinking of the executive or the prosecutor.” Then Hastie interrupted himself, expanding on his prepared text to remind his audience forthrightly of the latest instance of the malady, an instance that other lawyers or judges delivering such an address might well have decided, on some palatably prudential ground, not to include in the bill of particulars. Hastie’s amendment of his text went as follows:

I must interpolate at this point that when the preceding sentence was written I had in mind only local executives and prosecutors. But now, if one is going to cite this kind of pressure at all, he cannot with integrity ignore a nationally broadcast address which made page one newspaper headlines all over the country Sunday, a week ago. In a broadside against judicial sentencing practices the President said: “The time has come for soft-headed judges and probation officers to show as much concern for the rights of innocent victims of crime as they do for the rights of convicted criminals.” Of course, the key to the whole sentence, the denunciatory and inciting phrase that makes headlines and gives the broad-

side public impact, is “soft-headed judges.” Actually, the attack is upon hard headed judges who are independent and tough minded enough to sentence in accordance with their own evaluation of all relevant considerations without yielding to the simplistic thinking and Draconian demands of particular prosecutors or local executives, or even chief executives.

Hastie had the strength to censure the president, when the president deserved censure, because Hastie had serene faith in the soundness of our tripartite republican structure. And that faith was in turn anchored in unwavering commitment to a democratic social order.¹²

A decision of the Supreme Court interpreting a federal statute can be overturned—for the future—by congressional enactment of a new statute amending the old one. But a Supreme Court decision on a point of constitutional law which the justices reconsider and reaffirm can only be undone by amending the Constitution—the tortuous process that the Framers intentionally made difficult but not impossible. When that remedy is pursued, the Congress and then the people of each state—acting through their legislatures—become in effect the supremest of courts. The Constitution has been amended twenty-six times—the first ten amendments being the Bill of Rights, adopted two years after the original Constitution. But of the twenty-six amendments, only four have overruled decisions of the Supreme Court. Last month, as the Senate debated the wisdom of school prayers, it seemed that we might be on the brink of another overruling amendment. Much of the Senate debate was conducted on a high plane, as befitted so important and controversial a matter. With your leave, I will briefly sample that debate.

On the second day of the debate, the majority leader, Senator Howard Baker, who himself led the floor fight for the amendment, called the Senate’s attention to the Supreme Court’s decision the day before in

Lynch v. Donnelly.¹³ The Court, by a margin of five to four, there upheld, as against a claim arising under the establishment clause, the action of the mayor and other officials of Pawtucket, Rhode Island, in authorizing a creche as one of several elements of a municipally sponsored outdoor Christmas display. Senator Baker had this to say:

The High Court ruled yesterday that municipalities may not be barred from displaying the Nativity scene as part of an officially sponsored Christmas exhibit. As the majority opinion written by Chief Justice Burger noted: "To forbid the use of this one passive symbol, the creche, at the very time people are taking note of the season with Christmas hymns and carols in public schools and other public places, and while the Congress and legislatures open sessions with prayers by paid chaplains, would be a stilted overreaction contrary to our history and to our holdings." But the finding of the Court most salient to the Senate's current deliberation is this: "No significant segment of our society and no institution within it can exist in a vacuum or in total or absolute isolation from all the other parts, much less from government. . . . Nor does the Constitution require complete separation of church and state; it affirmatively mandates accommodation not merely tolerance, of all religions, and forbids hostility toward any."¹⁴

In response, Senator Lowell Weicker, who led the opposition to the amendment, acknowledged his unhappiness with *Lynch v. Donnelly*:

I note that in part, the decision as it relates to the nativity scene was passive—passive—therefore, acceptable. I do not know how those of you who are Christians feel about the nativity, but I never looked upon the nativity as being a passive event or a passive scene.

What the Supreme Court has done in this case is to interpret my faith in a way that is totally unacceptable to me.

So, I am delighted that the majority leader is apparently satisfied. I believe the decision renders the nativity as a commercial event now. It belongs

to folklore. This is a very interesting description of the nativity. But if that is what the majority leader and others are willing to accept in the cause of victory, fine. I find that to be demeaning to my particular faith.¹⁵

I find it of particular interest that two members of the Senate who are graduates both of law school and of divinity school were both opposed to the amendment. They are John Danforth and Gary Hart. I find particularly compelling the following thoughts of Senator Danforth:

Mr. President, I want to express my reluctance, even embarrassment to stand on the floor of the Senate, quote Scripture and talk about religious beliefs. I am sensitive to the fact that the people of Missouri elected me to be their Senator, not their pastor. They elected me to serve all of them, regardless of their religious beliefs or lack of religious beliefs. I am a priest of the Episcopal Church. That is true. That is part of me. But I have tried to distinguish between my role as Senator and my role as priest, and not to confuse the two. Many people who are not Episcopalians, not Christians, not religious have asked me to represent them in this body, and I intend to do that, as best I can, for all the people.

* * * *

My own view is that in this case the best course for the Senate to follow is to do nothing. To allow a child to pursue his own religious life without the structure of school sponsored observances is as close to neutrality as we can come. To take the affirmative step of amending the Constitution is to decide that now is the time to foster one religious position against another.¹⁶

In the event, the proposed amendment did not secure the necessary two-thirds of the one hundred Senators, so it is dead at least for the time being. My own private view, for what it is worth, is that adoption of the amendment would indeed have been unwise. I do not pretend that the return of institutionalized prayer to public schools

would be something our free society could not tolerate. It is the fact, after all, that today in Poland it is the courageous foes of the authoritarian regime who seek to restore crucifixes to classrooms. My view—and I believe it is mirrored in the Supreme Court's prayer decisions—is simply that we in America elected a different mode of co-existence for church and state, and its theory was explained many years ago. In 1821, Jefferson, in his *Autobiography*, looked back over forty years to the drafting of Virginia's *Bill for Religious Freedom*, which was the mainspring of the religious clauses of the First Amendment. The bill, and the Declaration of Independence, and the founding of the University of Virginia were the three achievements inscribed, as Jefferson directed, on his tomb. Here is what Jefferson particularly called to mind about his bill:

The bill for establishing religious freedom, the principles of which had been, to a certain degree, enacted before, I had drawn in all the latitudes of reason and right. It still met with opposition; but, with some mutilations in the preamble, it was finally passed; and a singular proposition proved that its protection of opinion was meant to be universal. Where the preamble declares, that coercion is a departure from the plan of the holy author of our religion, an amendment was proposed, by inserting the word "Jesus Christ," so that it should read, "a departure from the plan of Jesus Christ, the holy author of our religion"; the insertion was rejected by a great majority, in proof that they meant to comprehend, within the mantle of its protection, the Jew and the Gentile, the Christian and Mahometan, the Hindoo, and Infidel of every description.¹⁷

I have presented this capsule view of the Senate debate on the school prayer amendment because that debate seems to me to exemplify the proper way to carry forward public discussion of great public issues decided—but, in the nature of constitutions, never permanently settled—by courts. I would contrast the robust and open school

prayer debate with another mode in which opponents of Supreme Court decisions have recently sought to circumvent them. I have in mind the legislative attempts, aggressively mounted two years ago, to curtail federal court jurisdiction over school prayers, abortion and school busing. It being common ground that Congress has wide powers to define the jurisdiction of federal courts, including the appellate jurisdiction of the Supreme Court, I will not venture an advisory opinion whether those proposals were unconstitutional. But I have no hesitation in labeling them anti-constitutional—proposals made by persons prepared to disavow the fundamental structural predicate of our constitutional order, that courts are the first-line guardians of the constitutional ramparts we watch.

Animating the proposals to withdraw jurisdiction from federal courts was, I suggest, a hostility to law—except law one agrees with. I sense the same attitude in the current attempt by the administration to withdraw for a two-year period from the obligatory jurisdiction of the International Court of Justice with respect to controversies arising in Central America. It is well understood that the decision was taken to frustrate an anticipated suit brought by Nicaragua challenging alleged American covert activity, including the mining of ports—activities our State Department has not acknowledged but whose legality it has stoutly defended. In justification of our attempt to remove ourselves from the International Court's jurisdiction—an attempt which may, indeed, turn out to be too little and too late—Ambassador Jeane Kirkpatrick said the following in her address to the American Society of International Law:

For Nicaragua, the party that has initiated the violation of international law through the use of violence against its neighbors, to seek recourse before the International Court of Justice amounts

to nothing more or less than a cynical effort aimed at influencing world opinion, Congressional votes, and performing all the other functions of propaganda. Nicaragua seeks, in short, to use the court in a blatantly propagandistic manner.

With all respect, I submit that Ambassador Kirkpatrick was addressing the wrong issue. The relevant question is not whether the United States believes Nicaragua is in bad faith in going to court. Lots of litigants find it easy to credit their adversaries with bad faith—and sometimes they may indeed be right. The relevant question is whether the United States has any responsible ground for doubting the institutional integrity of the International Court of Justice—a tribunal on which leading American judges have served, and which this country has long sought to promote as an institution advancing the rule of law across the globe. We thought the International Court competent to entertain our own just claims against Iran, arising out of the hostage outrage, four years ago. What has changed? Or perhaps the question is—why is the International Court an inappro-

priate forum for disputes relating to Central America, but appropriate for all others? Could it be that the State Department simply finds it easier to fight legal battles in press conferences than in a court of law?¹⁸

Fear of the rule of law is alien to the American grain. In 1803, Marshall reminded us that ours is a government of laws, not of men. That commitment has not changed. Generally in concert with—occasionally in opposition to—congressmen and presidents and legislators and governors, judges make law. The occasional episodes of opposition arise only because courts are bound to apply the higher law of the Constitution. Testing the actions of legislators and executive officials against the norms of the Constitution is a subtle and demanding process—an exacting weighing of cherished values. There is one constitutional value which is the precondition of all the others. It does not appear in the text of the Constitution in *haec verba*. But it is etched in marble above the great portico of the Supreme Court:

Equal Justice Under Law.

NOTES

1. H. Adams, *The Education of Henry Adams* (1918), 303-05.
2. Quoted in L. Hand, *The Bill of Rights* (1958), 8.
3. II. Farrand, *Records of the Federal Convention* 298 (1911). When the remarks of John Mercer, a delegate from Maryland, are read in context it is apparent that his disapproval of the doctrine of judicial review was not bottomed on any hostility to judges and judging. Mercer was speaking in support of Madison's proposal—which the Convention decisively rejected—that legislation adopted by Congress should be reviewed, and subject to veto, not only by the president but also, and separately, by the judiciary, before becoming law. Evidently Mercer was confident that a law which survived the proposed double veto would be "well and cautiously made."
4. *Id.* at 299.
5. 1 Cranch (U.S. 1803), 137.
6. *Dred Scott v. Sandford*, 19 How. (U.S. 1857), 393.
7. 163 U.S. (1896), 537.
8. 347 U.S. (1954), 483.
9. South West Africa, Second Phase, Judgment, I.C.J. Reports 1966, p. 6.
10. The "majority" of the court was really a constructive, not an arithmetic, majority. Arithmetically, the judges of the Court were equally divided. Decision was arrived at by virtue of Judge Spender's exercise of his authority, as presiding judge, to file a second or "casting" vote in the event of a tie. Such an authority is not a familiar feature of the American legal landscape.
11. Jessup had this to say about why he filed a dissenting opinion (I.C.J. Reports 1966: 325-26):

In regard to the nature and value of dissenting opinions, I am in complete agreement with the views of a great judge, a former member of this Court—the late Sir Hersch Lauterpacht—who so often and so brilliantly contributed to the cause of international law and justice his own concurring or dissenting opinions; I refer to section 23 of his book, *The Development of International Law by the International Court*, 1958. He quotes, with evident approval (in note 10 on p. 66), the "clear expression" of Charles Evans Hughes who

was a member of the Permanent Court of International Justice and later Chief Justice of the United States: "A dissent in a court of last resort is an appeal to the brooding spirit of the law, to the intelligence of a future day, when a later decision may possibly correct the error into which the dissenting judge believes the court to have been betrayed." It is not out of disrespect for the Court, but out of respect for one of its great and important traditions, that, when necessary, I express my disagreement with its conclusions. It is the first time since I have been a member of the Court that I have found it necessary to dissent.

12. This account of Hastie's Roberts Lecture is taken from a paper which was one of several tributes to Judge Hastie that appeared in an issue of the University of Pennsylvania Law Review dedicated to Hastie's memory. Pollak, "William Henry Hastie," 125 *U. Pa. L. Rev.* 1, (1976): 2-3.
13. 104 S.Ct. 1355 (1984).
14. Cong. Rec. §2343, 6 March 1984 (daily ed.) Cols. 1-2.
15. *Ibid.*, col. 3.
16. *Id.* at S.2347 col. 2.
17. S. K. Padover, *The Complete Jefferson* (1943), 1119.
18. The first formal maneuvers in Nicaragua's suit against the United States had taken place in early

April of 1984, just a few days before the delivery of this talk to the American Philosophical Society. The opening salvo was on 9 April 1984 when Nicaragua filed a so-called "Application" asking the International Court of Justice to take cognizance of its complaint against the United States. The United States countered on 13 April by filing a submission requesting the court to determine that it was without jurisdiction to entertain Nicaragua's application. Over the next several months, both countries filed further written submissions; and, in October, the International Court heard oral argument on the jurisdictional issues. On 26 November the Court overruled the American jurisdictional challenge. *Case Concerning Military And Paramilitary Activities In And Against Nicaragua (Nicaragua v. United States of America) Jurisdiction Of The Court And Admissibility Of The Application* (26 November 1984, General List No. 70). This decision appeared to set the stage for subsequent proceedings on the merits. However, on 18 January 1985, the State Department announced that "[t]he Court's decision of Nov. 26, 1984, finding that it has jurisdiction, is contrary to law and fact," and therefore, "[w]ith great reluctance, the United States has decided not to participate in further proceedings in this case." *N.Y. Times*, 19 Jan. 1985, pp. 1 and 4.

Irish Representative Peerage Elections and the Conservative Party, 1832-1841*

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The Irish Act of Union of 1800 included among its clauses a provision for the election of twenty-eight representative peers.¹ The decision to limit the number of Irish peers sitting in the House of Lords of the new United Kingdom Parliament reflected the fact that about two hundred families held Irish titles at the time of the union, making the Irish peerage the largest single peerage in the kingdom.² Limited representation was designed principally to assure that these aristocrats did not come to dominate the upper house in the new parliamentary arrangements.³

The provisions for election also reflected the experience with Scottish representative peers. Whereas Scottish peers were elected for the duration of a single parliament, the Act of 1800 provided that the Irish would sit for life. Elections, therefore, would be depoliticized to an extent not possible in Scotland because they would occur infrequently and usually take place at times when the nation as a whole was not undergoing the traumas of a general election. On the other hand, since individual Irish peers sat for life, there was always a possibility that

contests would take on greater intensity because of the permanence of the final outcome in these elections. That they did not attract much systematic attention of national political leaders prior to the 1830s was largely a reflection of the dominance from 1800 to 1830 of the Pittite connection and its successors in national politics generally and in the House of Lords particularly.

Historians, with few exceptions,⁴ have not given these elections much attention either. Even in the 1830s, during the so-called decade of reform when the House of Lords was in a period of "strategic retreat,"⁵ other issues in Irish politics seemed to contemporaries and to us to be more important. Thus David Large, in a pioneering and to date the principal study of Irish affairs in the Lords in this period, could pass briefly over these elections and move on to the struggle in Parliament over specific issues.⁶

It is now perhaps an opportune time to probe deeper into this territory. Historical scholarship on the development of political parties in the age of Peel has reached a high level of maturity in the past thirty years. Yet it has always concentrated principally on developments in the electoral processes of the House of Commons.⁷ References to the House of Lords mention it primarily as a body whose constitutional importance could not be overlooked in the 1830s, but whose membership for the most part, though subject to "faction," is seen as having been independent of those party considerations which were emerging in the lower house.⁸

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Careful evaluation of Irish peerage elections, however, shows that the concerns with party development and party management which occupied so much time in the minds of the men of the Commons, had parallels in the activities of the upper chamber. This was especially so in the case of the emerging Conservative Party where the issues of party organization were initially tied to the broader concerns of recasting the old Tory Party to enable it to survive and prosper in the new political arrangements after 1832. It is the thesis of this study that this concern with party was the principal reason why the Duke of Wellington and Sir Robert Peel paid so much attention to these peerage elections. At issue in each instance, and especially in the election of 1836, was their leadership of the party, their control of its policies, and their ability ultimately to direct its activities in Parliament.

* * * *

One of the distinguishing features of the political landscape of Britain in the decade between the passage of the first Reform Act and the return of the Tories to office in 1841 was the emergence of the political party as the principal form of political organization at the national level. Indeed, as Norman Gash demonstrated a generation ago, in "the history of political party . . . the short reign of William IV is equalled in importance only perhaps by that of Charles II."⁹ Gash, of course, is too careful a historian to ignore the features of eighteenth century electoral politics which held on well into the nineteenth. But his case that the passage of the Reform Act of 1832 necessitated a fundamental reworking of the political system has come to enjoy general acceptability in the historical community.

It is not surprising that the old Tory Party which had dominated national affairs for two generations previous to 1832 should take the lead in this process of political reorga-

nization. The electoral defeat of 1832 reduced the followers of Peel in the Commons to 185, barely 28 percent of the total membership of the house. The party of Pitt and Canning, of Castlereagh and Liverpool, had foundered on the rock of parliamentary reform.¹⁰

The responsibility of rebuilding it fell heavily on the shoulders of the leaders, Peel in the Commons and the country, Wellington in the Lords and in society. Peel's role has been clearly shown to have been paramount. To him much of the credit for the eventual success of the party in the election of 1841 must go.¹¹ His leadership is clearly evident in the rejection of the twin options of remaining "simply an aristocratic landed interest group obdurately opposing the wind of change which was blowing through English society"¹² at that time, and of embracing the Oastler-Sadler view on how to survive by forming an aristocratic alliance with the working classes "to fight the advancing middle class. . . ."¹³ The party ultimately embraced the concept of fostering ordered and well-directed change to meet the needs of an industrial society. This decision was reflected in the continuing commitment to a form of "liberal Toryism" and it thus clearly bears the mark of Peel's influence. Whatever its intent, the Tamworth Manifesto of 1834 became to many the public expression of the triumph of moderation over extremism, of flexibility over rigidity of ideology in Tory party circles.¹⁴

Peel's triumph, however, was never assured and never complete, as the events of the 1830s and especially of 1845-46 amply demonstrated. Many of his opponents in the party remained largely uninstructed by the events of 1832. Worse, through their control of the House of Lords they maintained the ability to thwart Whig policy when they chose. In the process they could also frustrate Peel's efforts to reconstruct the Tory Party into a viable national electoral force. This was always the greatest danger to his success.

Its presence required careful coordination of the party's activities in Parliament.

Party leadership in the Lords was the responsibility of the Duke of Wellington. Temperamentally and philosophically he shared many of the views of the "Ultras," that band of reactionary peers whose opposition to all change was their calling card. Yet the Duke was a political realist whose judgment was usually tempered by an appreciation of Peel's problems. He also shared Peel's views on the party's future if the Ultras were given free reign. He was especially sensitive to the Reform Act's forcing a reassessment of the role of the House of Lords in the constitution. The peers ought, he said in 1834,

to descend from our high station by the most gradual road, in order to avoid any great shock to our complicated machine and that we might each of us take our station in the new system to which it has pleased gentlemen to be governed. I therefore have done and will do all that I can to prevent any sudden or general mischief

which might lead to a clash with the ministry and its majorities in the Commons and in the country.¹⁵

This cautious method of proceeding in Parliament had its consequences in the manner in which he dealt with specific measures, many of which were anathema to him and to others in the Lords. The conflict between values was seen constantly, but never more clearly than in 1836 on the issue of the Irish Church Bill. The duke's religious principles had to be set aside on this occasion in order to allow him to attend to a higher priority, his commitment to the survival of the House of Lords as an institution. By implication, his goal was to maintain its usefulness to the party and to sustain it as a symbol of the survival of landed influence in the affairs of state. "We must not suppose," he told Lord Aberdeen,

that we can do in the Reign of W 4 that which was done in the Reign of W 3. All men wished

then to preserve the Church of England. The Majority of the H of C are now under the necessity of voting to pull it down. Let us in the H of Lords take care that we don't accelerate the downfall as well of the Church as of [our] own Institution.¹⁶

Many of the occasions for combat between the parties in this decade arose over Irish issues. David Large has shown that it was principally over the affairs of that unhappy country that the Ultra peers were most likely to provoke conflict with the Whigs in the House of Commons. They were able consistently to frustrate the Whig government's Irish measures on nearly all matters of church and state reform.¹⁷ That there was no clash between the two houses over their respective prerogatives is remarkable. It reflected Whig cowardice in raising the constitutional issue (especially after 1835) as much as it mirrored Peel's astute use of Tory votes in the late 1830s in the Commons to remind his opponents of their dwindling support in the country.¹⁸

Though Irish affairs so frequently were the cause of party conflict in this period, historians tend to misjudge or to ignore altogether the importance of the parties' activities in conjunction with the election of Irish representative peers to sit in the House of Lords. The reasons for this neglect, of which four are probably worthy of attention here, are clear enough. First, the twenty-eight representative peers of Ireland were a small proportion of the whole house which numbered over 400 in the 1830s. The activities of such a small minority would not seem to warrant much attention or to have much bearing on the broader historical issues which attract our attention as scholars. Furthermore, the House of Lords was overwhelmingly conservative in ideology and increasingly Tory in party affiliation. The Irish peers elected in this period always added to the majority which was another reason perhaps to discount their uniqueness.

A third explanation for the lack of attention to these elections is that Wellington,

who on the surface appeared to manage them for the Tories, consistently disclaimed any interest in or desire to interfere personally in the results. His comments to the earl of Bandon in 1833 were typical: "I have but little powers to promote the views of any noble Lord to obtain this honour," he wrote, "and that little depends upon my recommending the claims which the peers of Ireland in general are disposed to favour."¹⁹ This sort of statement, which was repeated with variations regularly throughout the decade, seemed to suggest that the duke's role was largely to support decisions already reached elsewhere and to serve as a conduit to relay the results to those peers who could vote. Why bother to explore what was on the surface the politics of personality when so little else seemed to be at stake in these elections?

Finally, there almost never was a contest in these elections. That fact alone suggested that they were nearly always pro-forma affairs involving at best intra-party concerns of the most trivial nature. Such is not the stuff on which party historians and others need long dwell.

There are flaws with each argument for ignoring these Irish peerage elections. To begin with, the duke and Peel both took a great deal of active interest in them. Their correspondence with each other and with the Irish peers themselves amply demonstrates this concern. The reasons why they were so involved were complex and varied somewhat from occasion to occasion. On the surface they seemed to be principally concerned with defeating Whig peers. And so they were. Closer examination of the evidence, however, reveals that their central concern was to check the Ultra faction in the House of Lords by asserting their leadership over the Tory peers in Parliament and in the country. Irish peerage elections were many things, but none more important than as examples of intra-party contests whose principal purpose was to assure that the

emerging Peelite view of the party and its role in the state would prevail.

* * * *

It has long been known that the British peerage as a whole had considerable interest in and dependency on the state of affairs in Ireland. Large estimated that by 1832 "virtually one peer out of every four [sitting in the House of Lords] had a stake in Ireland through the ownership of land, and the majority of these were men whose economic interests were exclusively centered on their Irish estates."²⁰ Only a thorough study of probate records can ascertain with certainty the real extent of this dependency in the 1830s. Nevertheless, it was clearly considerable and that fact could not be ignored in Peel's time and should not be underestimated in our own.

Many of these peers, furthermore, were absentee while others resided outside of Ireland for at least a part of the year. Men in both groups tended to hold English estates as well as Irish ones. Given the relative economic value of land in the two countries, it is often next to impossible to sort out whether income from their Irish estates amounted to any significant proportion of their wealth, and if so, how economic interest transformed itself into political behavior in Parliament. Fortunately, the questions under consideration here do not require a complete understanding of these connections.

Issues involving economic dependency on Irish estates, important as they are to our knowledge of the peerage's position on various matters of Irish policy, were not as significant in determining behavior in electoral politics. Even the most cursory inquiry into this topic suggests that there is a more fruitful way in which to proceed in an investigation of it. To begin with, for the purpose of discussing peerage elections, Large's figures are somewhat misleading as they do not take into account those aristocrats who held Irish

(or Scottish) titles alone and who therefore did not sit in the upper house of Parliament. In order to gain a fuller understanding of the real extent of aristocratic interest in Ireland, therefore, it is necessary first to inquire into the nature of the Irish peerage itself.

Irish titles, as already shown, were numerous during this period. The first problem is to ascertain who the Irish peers were. They can be identified in part from lists of those eligible to vote in the peerage elections of the 1830s. These lists were officially published by *The Dublin Gazette* on each vacancy.²¹ Because they are incomplete for reasons that will become apparent shortly, they must be supplemented by the voting lists prepared by the candidates themselves. The ones sent to Wellington by Viscount Harwarden and others in 1836 in conjunction with the critical contest of that summer and fall are representative.²² This process yields 206 extant Irish titles in the 1830s. Biographical and family data are published in *The Complete Peerage*, which must be supplemented on occasion by *Burke's Peerage*, by *The Times* (London), and by *The Gentleman's Magazine*. Given the large number of families involved and the numbers of individuals who held titles in this decade (280), the historian interested in Irish elites is compelled to turn to the available technology to make any sense of the voluminous data thus collected.

This dependency on computer analysis is made more necessary because the Irish peerage itself was not simply organized into discrete categories. In part this complexity was a reflection of two features of the British aristocracy in the early nineteenth century. There were, to begin with, five peerages in the British Isles. Men and occasionally women sometimes might hold titles in the peerage of a single country (England, Scotland, or Ireland), or they might possess a peerage of Great Britain (given between 1707 and 1800), or they could have a United Kingdom peerage (conferred after 1801). All

but the Scottish and Irish titles conferred the hereditary right to sit in the House of Lords and hence gave their holders guaranteed access to the political arena.

A second cause of complexity in the Irish peerage arose because individuals could hold several titles simultaneously. Benjamin, fourth Earl of Aldborough in the peerage of Ireland, for instance, was also Viscount Aldborough and Baron of Baltinglass, both also Irish peerages. This family, ennobled in 1763 and known for its Orange politics,²³ had been rewarded by two elevations, the first in 1776, the second in 1777. Other Irish peers held titles in two or more peerages. An extreme example was James, first Earl of Verulam in the peerage of the United Kingdom. Known principally as the brother-in-law of the second Earl of Liverpool and as being "somewhat prominent on the Turf,"²⁴ the earl was also in possession of the barony of Verulam in the peerage of Great Britain, the Scottish barony of Forrester, and the Irish viscountcy of Grimston.

Party leaders such as Peel did not usually regard men like Verulam as Irish peers, though because he was qualified to vote in the elections of the decade he would have been considered an active Irish peer at election time if not on other occasions. Generalization in this regard is difficult, however, because some of these men, for instance the Earl of Roden who was also Baron Clanbrassil in the peerage of the United Kingdom, were principally Irishmen who happened to have a title in a more prestigious peerage.

When we analyze the data on the peerages held by the families who possessed at least one Irish title, the extent of the Irish connection in the 1830s comes into better focus. Table 1 gives the results. These figures reveal that eighty-three Irish peers or about 40 percent of the Irish titleholders sat by right in the House of Lords by virtue of holding other titles. Even so, it is not such a simple matter for political purposes to distinguish these peers from those who held exclusively Irish

TABLE 1

Patterns of Peerage Holdings of Irish Titleholders

Peerages Held	Number	% of Families
Exclusively Irish	123	59.7
Irish + English	6	2.9
Irish + Great Britain	24	11.7
Irish + United Kingdom	46	22.3
Irish + GB + UK	2	.9
Irish + Scottish + UK	1	.5
Irish + S + GB + UK	3	1.5
Irish + English + GB + UK	1	.5
TOTAL	206	100.0

titles. The difficulty in this regard lies in that nine of the eighty-three were representative peers who had been elevated to the peerage of the United Kingdom after their election, that is, 32 percent of the Irish representative peers in the Lords sat there by personal right as well as by virtue of election.²⁵

Keeping all these variables in mind, it is now necessary to return to Large's figures to ascertain the extent of the Irish connection in the aristocracy as a whole. Large established that there were 423 members of the House of Lords in 1833. Sixteen of these men were representative Scottish peers, nineteen of the twenty-eight Irish representative peers held exclusively Irish titles, and thirty members were the bishops and archbishops of the English and Irish Churches. This meant that 358 members sat by hereditary right conferred by the peerages of England, Great Britain, and the United Kingdom.²⁶ The number of holders of all titles in the kingdom was considerably larger, however, encompassing at least 123 exclusively Irish peers and a smaller number of exclusively Scottish peers. No one yet has analyzed the latter group in the detail the Irish peers have been subjected to here,²⁷ but we may presume that few if any of the Scottish peers held Irish estates. Most, though not all, of the 123 exclusively Irish

peers were resident principally in Ireland, however, which means that in addition to the 105 Irish landowning peers Large identified in the Lords, approximately 104 others (123 Irish peers less the nineteen already in the House) had interests in Irish lands.

The revised figures are approximations, yet they are accurate enough for our purposes here. They are as follows: excluding the exclusively Scottish peers, a total of 481 individuals held titles of one sort or another in 1833. Of these, 209 or 43 percent were dependent to one degree or another on Irish rents or mortgages. Even allowing for some imprecision in the data, it is clear that the size of the Irish connection in the peerage as a whole was about double that of Large's sample in the House of Lords.

This dependency naturally did not always translate into the ability personally to express opinions on Irish issues in Parliament. But given the family connections between Irish aristocrats and those peers who sat in the Lords by hereditary right, one can easily see why Irish affairs commanded more than passing interest in the peerage as a whole. Wellington and Peel, though they had no way of knowing these figures in the detail now possible for us, could not have failed to be aware of the general circumstances. Their interest in Irish peerage elections, which determined such a small portion of the membership of the Lords as a whole, is more clearly understandable in this context. Put another way, it mattered little in a sense who held which of but twenty-eight Irish seats. What did command attention was that each peer who was elected represented an extensive interest in Irish affairs which reached far beyond his own personal circumstances. No party leader could afford to ignore this situation, especially given the importance of Irish issues in the party conflict of the decade.

The size of the Irish connection itself probably would have commanded only the general interest of party leaders in Irish

peerage elections. Because of the necessity to manage these elections, however, circumstances assured that close attention was paid to the political affiliation of those qualified to vote. As a matter of political practice, those who participated in peerage elections would be the individuals whose views most mattered when vacancies occurred. The politically active peers needed and could command more attention than those who were either indifferent or inactive.

Once again it is important to be precise when determining with whom we are dealing on this issue. Technically any Irish peer who was descended from the original grantee according to the provisions of the patent creating the peerage was eligible to vote once he attained adulthood. Proof of descent, which required proof of legitimacy as well, was usually an easy matter. Still, there were cases where this was not so. For instance, Edward Turnour, fourth Earl Winterton, succeeded his father in 1833 but did not acquire the right to vote until 1872.²⁸ James Netterville, seventh Viscount Netterville, in 1834 finally claimed a title which had lain dormant since 1751.²⁹

A second cause of ineligibility arose when a title devolved onto a woman. This practice was infrequent but not unheard of, a representative case being that of the viscountcy of Masserine which until 1831 was held by the mother of the tenth viscount.³⁰ Disqualification also arose in cases of lunacy such as that of Brinsley Butler, fourth Earl of Lanesborough.³¹

Most of those who were ineligible to vote, however, were in that group either by choice or only temporarily because of age. Some peers, most notably Viscount Palmerston, were in the House of Commons and hence were disqualified by choice of a political career. Fourteen titles in the 1830s were held at some time by minors born after 1819. Most of those who were ineligible, however, probably just did not bother to acquire voting certification. The process itself was, as Lord

Downes said, "a troublesome and expensive business,"³² and it is not surprising that those peers who were indifferent to politics such as the distinguished Greek scholar William, Baron Lyttelton,³³ did not bother to qualify.

With these features of the electoral system clarified we can return to the official voting list of 1836 which is not only representative for the period but which formed the basis for the events described below in the election of that summer and fall. Those eligible to vote for the successor to the Baron Dufferin and Claneboye numbered 149, which was 78.4 percent of the 190 adult and sane Irish titleholders alive in that year. More important, 109 (73.2 percent) of those qualified held exclusively Irish titles. Perhaps the most significant figure, however, is that this group represented nearly 90 percent (88.6 percent) of all titleholders whose aristocratic standing was conferred solely by the Irish peerage. Since some of the fourteen minors were in this exclusively Irish group as were two lunatics and Palmerston, it appears that those who held exclusively Irish titles approached full participation in the electoral process. Irish aristocrats took a far greater interest in these elections than those whose Irish titles were subsidiary to more general titles, though we should not forget that the 48.2 percent of the latter group who were qualified to vote still represented 26.8 percent of the total electorate and included such influential and leading Ultra politicians as the Earl of Jersey and the Marquess of Londonderry.

The worrisome presence for Peel and Wellington of these Ultras becomes more significant when we analyze the political affiliation of the Irish titleholders generally. Here we may begin with the figures for all 280 individuals who held Irish titles between 1832 and 1841. The political affiliation of these peers is given in each biographical sketch in *The Complete Peerage*, the editors of which relied heavily on obituary notices, parliamentary debates, and published diaries

and letters. Party labels have been consolidated here so that the terms Tory and Conservative are interchangeable and denote the followers of Peel and Wellington. Conversely, the Whig and Liberal labels are reserved for supporters of Grey's and Melbourne's ministries. Those whose affiliation changed at some point in their career, the switchers, included such peers as the first Baron Carrington, a Pittite who in 1820 reverted to his earlier Whig views,³⁴ and Tory peers such as the Earl of Clare who later became a Peelite.³⁵

The general impression derived from these data is important because the duke and Peel were themselves always acting with incomplete knowledge of the exact political composition of the peerage at any given moment. Their general knowledge was in a sense the equivalent of our more precise figures for the whole group alive during this decade. Table 2 gives the results of the analysis.

In assessing the meaning of the figures one is struck by how different they are from those usually given. Turberville's figures for 1837 showed that 129 (62.6 percent) were self-styled Tories or Conservatives, sixty (29.1 percent) were Whigs or Radicals, and only seventeen (8.3 percent) were unaffiliated or had changed parties.³⁶ His numbers are suspect, however, because he asserted that all the peers were qualified to vote, which we know was never the case.

TABLE 2
Party Affiliation of Irish Peers

Party	Number	% of Group	% of Knowns
Tory or Cons.	95	33.9	52.8
Whig or Lib.	54	19.3	30.0
Radical	3	1.1	1.7
Switched	28	10.0	15.5
Unaffiliated or Unknown	100	35.7	—
TOTALS	280	100.0	100.0

It is preferable to use the more complete figures reported here, from which certain new conclusions may be drawn about the political composition of the Irish aristocracy. The first is that barely a third of all the Irish peers were even nominally followers of Peel and Wellington. The largest group was composed of those who were either unaffiliated or were party switchers whose loyalty might be considered suspect. This was an important feature of all elections. It meant that the Whigs, if properly led and if faced with the wrong sort of Tory candidate on any occasion, were potentially capable of electing one of their followers, though perhaps with a narrow margin of victory. This circumstance explains the duke's and Peel's continuous interest in the quality of Tory candidates and why in 1839 they opposed both Lord Blayney, who was not "popular and I fear not very reputable,"³⁷ and Lord Rathdowne, whom Peel regarded as "a foolish and violent man."³⁸

These data, however important they may be to our understanding of the Irish peerage as a whole, leave unanswered the more significant questions about whether its political composition may have been changing either as a function of the age of the peers or as a function of whether or not they held other than Irish titles. These are important considerations, for the problems of managing peerage elections would be different as the 1830s wore on if younger peers were more conservative than the group as a whole. Conversely, if the unaffiliated (including the party switchers) were changing in numbers and in percentages as each generation reached political maturity, the party leaders would face a different set of problems.

In order to test the hypothesis that the changing demography of the peerage had a significant impact on peerage elections, the group was divided into birth cohorts according to when the cohort reached political maturity, that is when all members of the cohort were at least age twenty-one and had

TABLE 3

Party Affiliation by Birth Cohort*

Birth	No.	Cons.	(%)	Unaffil.	(%)
Before 1760	31	3	9.7	19	61.0
1761-1779	83	28	33.7	38	45.8
1780-1811	140	52	37.4	58	41.4
After 1811	24	11	45.8	12	50.0
Total	278	94	33.8	127	45.7

* 2 have unknown birth dates.

the option to begin active participation in the affairs of state at some level. Four cohorts were identified: those born before 1760 who came to maturity before the end of the American War for Independence; those born between 1761 and 1779 who matured during the early years of the war with Revolutionary France; those born between 1780 and 1811 who came of age during the war with Napoleonic France or during the turbulent post-war years; and those born after 1811 whose political lives began during the decade of reform or thereafter. Table 3 gives both the numbers and percentages of each cohort who were either conservative or unaffiliated.

If one expects the data to show a shift in political affiliation by birth cohort for the group as a whole, these results are disappointing. Although there is a trend towards greater Conservatism in younger birth cohorts, when we allow for the small size of the first and fourth groups there is no sig-

nificant difference among them. The same conclusions pertain to the analysis of the unaffiliated peers. If, as is generally accepted, the peerage as a whole was to become more Conservative in the nineteenth century, the process is not detectable among the Irish titleholders as a group in this early period. Nor are they becoming more or less unaffiliated.

A second variable, however, proves to be more important. Given the propensity of peers who held exclusively Irish titles to be more active in Irish peerage elections than the group as a whole, the question arises whether or not the Irish peers without more general titles were becoming either more Conservative or more unaffiliated than those who held other titles as well. In order to answer this question the group was divided according to type of title held. Those with exclusively Irish titles numbered 170 while the remaining 108 peers also held other titles. Both groups were then studied according to political loyalty, including unaffiliation, and the birth cohort to which they belonged. Tables 4 and 5 show the results of this analysis. These sets of data should be assessed together. Exclusively Irish peers as a group were not significantly different from the general titleholders in their Conservative affiliation. The younger men in the former group, however, were becoming Conservative at a slightly more rapid rate than the younger peers in the other group, though

TABLE 4

Irish Conservative Peers by Title and Birth Cohort*

Birth	No. with Irish Titles Only	(%)	No. with Gen. Titles	(%)
Before 1760	1	7.0	2	11.8
1761-1779	16	32.0	12	36.3
1780-1811	33	35.9	19	40.4
After 1811	7	50.0	4	40.0
Totals	57 (of 170)	33.5	36 (of 108)	33.3

* These figures exclude those whose birth dates are unknown. These men were the fourth Earl of Aldborough (I), a Tory, and the sixth Viscount Barnewall of Kingston (I), unaffiliated.

TABLE 5
Unaffiliated Irish Peers by Title and Birth Cohort

Birth	No. with Irish Titles only	(%)	No. with Gen. Titles	(%)
Before 1760	12	85.7	7	41.2
1761-1779	27	54.0	11	33.3
1780-1811	48	52.2	10	21.3
After 1811	7	50.0	5	50.0
Totals	94 (of 170)	55.3	33 (of 108)	30.8

this trend was not evident yet in sufficient enough numbers by the 1830s to affect the general political affiliation of the group as a whole. This conclusion suggests that in the long run the prospects were good for continuous Conservative Party domination of peerage elections, though only future research can test this hypothesis. In the short term, however, Peel and Wellington could not rely on the younger peers with exclusively Irish titles to guarantee victory.

This consideration becomes especially important in light of the results of the analysis of unaffiliated peers. In this case the exclusively Irish peers as a group were significantly more likely to abstain from party connection than those with general titles. The same generalization holds true, though to a lesser extent, when the birth cohorts are taken into account; that is, younger Irish peers of the first group were more likely to be unaffiliated than younger peers in the second. For Wellington and Peel, therefore, the tendency of those most likely to vote in peerage elections to refrain from making commitments to party candidates posed special problems in managing the elections of the 1830s. This feature of the electoral situation becomes extremely important in light of the potential impact of Ultra leadership on these elections, a topic to which we can now return.

* * *

The Earl of Roden, who throughout the period was recognized as the leader of the

resident Irish peers,³⁹ maintained close ties to the Duke of Cumberland and other leading Ultras such as the Marquess of Londonderry, whose Irish titles gave them a right to vote in these elections. Those candidates who would be most appealing to these men were precisely those who might encourage an active Whig effort to mobilize the unaffiliated. As Large correctly asserted, Peel and Wellington had to pay close attention to these elections in order to prevent, if possible, "either a whig, or just as bad, an ultra tory from being returned."⁴⁰ Given the party affiliations of the decade, it seems likely that the latter concern was seen as indistinguishable from the former.

Whig restraint in not forcing a series of contests may have been largely the result of the duke's success in moderating Ultra leadership over the Irish peers. The effort entailed in sustaining the duke's influence was considerable and constant. Two cases show both the limits of his influence when asserted directly and on his own initiative, and its extent when exercised with circumspection. The limitations were seen in his promotion of Lord Fitzgerald's candidacy in 1833-34; the best example of the extent of his authority was seen in the election of Lord Dunraven in 1839.

The career of Vesey, Baron Fitzgerald, is best remembered in the context of the struggle for Catholic Emancipation. His appointment as President of the Board of Trade in 1828 required that he stand for reelection in county Clare. There he was defeated by

Daniel O'Connell whose victory led ultimately to the removal of Catholic political disabilities in 1829. Fitzgerald, therefore, was closely associated in the minds of the Ultras with Wellington's and Peel's "betrayal" of that year.⁴¹

In 1833 Fitzgerald applied for the vacancy to which Lord Downes was ultimately elected.⁴² Wellington personally preferred his candidacy but it came too late for this election. The duke realized that more planning was necessary in order for him to succeed in his "management of the party [i.e. the Ultras] who have undoubtedly the preponderance [of influence] in these elections."⁴³

Nevertheless, Wellington undertook to persuade Roden to adopt Fitzgerald as the successor to the next vacancy for which there was no candidate. This application finally came in the summer of 1834.⁴⁴ Roden, to whom Fitzgerald was anathema, was circumspect. He argued that Fitzgerald was unpopular with the Irish peers and furthermore, Lord Glengall had proved to be more supportive of Ultra views recently and had impressed many of the resident peers with his "manly and open avowal of his sentiments and the expression of his changed view of things. . . ." He had attracted considerable support for the next election and was the choice of all, rank and file and leaders alike. Fitzgerald's candidacy, especially if backed by the duke, would only split the party, Roden said. Therefore, he should not enter the field but should concentrate on openly supporting the views of the Irish peers. Unless he did so he could never command much support from them.⁴⁵

Wellington persisted, asking Fitzgerald to whom he should write to secure support. The opposition to his candidacy in the duke's view was unreasonable. Fitzgerald favored the same general policies if not the identical specific measures to achieve them as the Irish peers wanted. All would "support the Church of England in Ireland not only as a system of religion, but as one of property

and imperial policy." The Irish peers had to be made to see this. Therefore the duke intended to intervene personally in the next election. He knew his task would be difficult, but it would be made less so, he said, if Fitzgerald would avoid "bombast" and "nonsense" and would roundly attack the government's Irish policy at every opportunity.⁴⁶ Never one for underhandedness, the duke also informed Roden of his intentions.⁴⁷

Fitzgerald's response is instructive, for it shows how little he understood of these matters. He asked that Roden, among others, be approached for support. He also assured the duke that a few of the Irish peers and "the great majority of the *English Irish*, who are peers of both kingdoms, . . ." could provide the margin of victory over his opponents.⁴⁸ Fortunately, Wellington knew better.

What transpired next is unclear, though it is certain that Roden paid a visit to the duke at Walmer Castle late in September 1834. Irish affairs were discussed at length, including in all probability peerage elections, but though Wellington "made some progress with him" it was "not quite so much as I could wish."⁴⁹ Roden did subsequently write to at least one Irish peer, Lord Bandon, to ask for support for Fitzgerald in a future vacancy, but there is no evidence to sustain Fitzgerald's contention that Roden was actively canvassing all of his friends in this fashion.⁵⁰

In the end events took a different course. Fitzgerald became a peer of the United Kingdom in 1835 during Peel's brief first ministry, thereby solving the problem of securing him a seat in the House of Lords where his skill in debate was needed. What would have happened in other circumstances remains unknown and unknowable. It is certain, given Peel's clearly-stated aversion to creating peerages at all,⁵¹ that his election reflected the duke's failure to secure even a general commitment for Fitzgerald

in advance, something that was done for others on more than one occasion during this period.⁵² The episode demonstrates the limit of his positive influence over the selection of candidates. Equally important, it was to be the only instance when he made such an effort in this decade.

The case of the Earl of Dunraven's election in 1839, on the other hand, is a remarkable example of the effective use of Wellington's influence behind the scenes in conjunction with the candidate's own active canvassing. Dunraven first expressed interest in being elected in the early fall of 1838 when he solicited Peel's support for the next vacancy.⁵³ He was not initially acceptable to Roden, who preferred Lord Rathdowne, because he had been a Whig and was not well-known by the Tories who were resident in Ireland.⁵⁴ Wellington, who became involved by the time Roden's views were known, accepted this decision with grace, but he did take the opportunity to note that Dunraven's son was in the Commons where he voted consistently with Peel. The leaders did not wish to push his candidacy, especially against the wishes of the resident peers,⁵⁵ whose support Wellington always held to be the *sine qua non* for receiving any official sponsorship.⁵⁶ Yet it was clear that Dunraven was the sort of man the leaders wanted to see elected and they had good political and party reasons for giving him their assistance. Roden could not fail to perceive that this was the case. His coolness towards the offer indicates that he appreciated the potential for yet another struggle with the duke over a particular nomination.

The situation became more complicated when by the spring of 1839 other candidates had entered the field. Among them was Lord Farnham whose claim was based on his having been "a staunch supporter . . . of Conservative Principles" in the Commons where he sat for six successive parliaments.⁵⁷ These were qualifications which could be seen as designed especially to negate those

of Dunraven, and it seems likely that Farnham's candidacy was put forward by the Ultras to assure their continued domination of the electoral process.

These were merely preliminary maneuverings since no vacancy then existed. When Lord Caledon died in April 1839 the struggle began in earnest. To begin with, other candidates tested the waters, which served only to complicate the situation further. These men, though less serious challengers in the circumstances, were nonetheless good party men with credentials suitable for election. They included Lord Crofton, Lord Lifford, and the new Lord Caledon.⁵⁸ Their presence served to remind everyone that it might be a long time before a newcomer such as Dunraven could expect to find himself alone in the field.

As the contest began, Rathdowne's view was that he had the party's support for this vacancy and that in turn everyone was committed to Farnham, "who has such powerful claims on the Conservative Peers" for the next.⁵⁹ Wellington knew that to agree to this assertion was to abandon Dunraven, perhaps forever. Therefore he denied promising anything to anyone and even told Dunraven, who had written to inquire if rumors of the duke's support for Rathdowne were true, that nothing was owed to him as well.⁶⁰

Meanwhile Wellington contacted Peel who denied that the choice was between Rathdowne and Farnham. If there was to be a choice, Peel said, it should be between Rathdowne and Dunraven. Peel preferred the latter because of Rathdowne's known extremism, but the final decision would have to rest with the duke in consultation with the resident peers.⁶¹

The situation was both awkward and uncertain for the leaders. On the one hand, their own candidate was a relative newcomer to Tory politics and his own record rested largely on the reputation of his son, Lord Adare, in the Commons. Small wonder that the duke refused to see Adare about the

election⁶² and subsequently told Dunraven that it was "really irksome to me to write to a Nobleman interested as you are, till I can write in positive terms."⁶³ There simply had not been sufficient time to organize his campaign to assure victory.

Peel, on the other hand, did meet with Adare. He must have been noncommittal, as Dunraven felt compelled to write for clarification of whether or not he could count on their support. He admitted that his English relations were Whigs but denied that he was of their political persuasion. He also assured Peel that his family's support in and out of Parliament was not dependent on his election. The sole purpose of the constant inquiries was to save himself the "mortification of another fruitless canvass."⁶⁴ In the end, Rathdowne's candidacy failed, which may have been the result of official opposition to him. Farnham, however, could not be ignored and was elected on 2 July.

By that time, however, there was another vacancy created by the death of Lord Lucan on 30 June. This gave the duke an opportunity to proceed with Dunraven's election despite Ultra coolness towards his candidacy. The situation was such that there was no obvious candidate who had been even tentatively promised support. With an election just completed, furthermore, the machinery for conducting a canvass was in full operation and was available to the duke on short notice. The important thing was to move swiftly behind the scenes in order to exercise his influence before the Ultras could mobilize support for an alternative candidate.

To begin, Wellington quietly discussed Dunraven's qualifications with his friends in the House of Lords. This activity began to pay dividends in late July when pledges of support were first made.⁶⁵ These pledges in turn made possible the engagement of the party's manager for these elections, Captain E. Cottingham, who began to organize an official campaign. Cottingham reported in August that Dunraven was slowly gathering

support now that it was clear what his views were. Although it was still not certain that he could win he had a head start on any other candidates that might appear.⁶⁶

Cottingham also sent the duke a list of peers who would vote in the election, scheduled for 20 September. This list contains the names of 145 peers, thirty-eight of whom (not including Dunraven himself) are marked as committed to the earl. Careful scrutiny of the nature of this support reveals how Wellington had proceeded. To begin with, Roden was conspicuously absent from among Dunraven's supporters. Yet other leading Ultras were there, including Londonderry whose personal loyalty to the duke⁶⁷ was well-known. Other Ultra supporters on Dunraven's list included Rathdowne and Farnham.

A more telling feature of Cottingham's list, however, is that it included the names of thirteen of the party's most active English members in the House of Lords who happened to be Irish peers as well. Their presence on the list indicates that the duke had used his position as leader of the party in the upper house to secure votes for his candidate.

This was only the beginning. The most important thing about the list is that fourteen of the nineteen representative peers who sat in that capacity solely as a result of election had also enlisted in support of Dunraven's candidacy. Once again the conclusion is self-evident. Wellington had effectively used his influence with those peers whose elections he had previously supported in order to generate a core of resident Irish votes around which victory could be ultimately assured.

Dunraven's unopposed election in September 1839 is a clear example of the extent of Wellington's influence when he had the time and the opportunity to prepare for one of these elections. Although he could not manage to secure support for his choice if the Ultras in Ireland already had a candidate in mind, he could succeed when he was first

in the field and used his influence in Parliament to create a movement for his nomination.

The election of September 1839, despite the unusual nature of Wellington's role, was typical of most elections in the period in that the Whigs did not put forth a candidate. Uncontested elections were not the only ones, however, in which matters of internal party management and leadership were at issue. Contested elections, though infrequent, were perhaps most important in determining the extent to which the duke and Peel could restrain their more reactionary followers. They were also occasions on which the ability of the party as a whole to maintain control over the election process itself was at stake.

While the Tories were in opposition between 1832 and 1841, there were two contested elections for the Irish representative peerage. The first, in 1833, was a test of the extent to which Whig victories in the country in the general election of 1832 could be translated into success in this arena. They failed in their effort. Lord Downes, the Tory candidate, easily defeated the Whig viscount Lismore by 76 votes to 25. The poor performance of a government-supported candidate who could expect to benefit from the considerable influence ministries usually exercised on these occasions, is usually seen "as indicating very clearly the tory predominance in the Irish peerage."⁶⁸ We now know otherwise. The Tory majority, though real, was far narrower than the conventional wisdom suggests. In fact, the election of 1836 demonstrates that the absence of a contest may usually have been a reflection more of Whig reluctance to mobilize their supporters and the uncommitted peers in the face of a Tory party united behind a popular candidate than the existence of any insurmountable Tory majority which could prevail under any and all circumstances. For that reason it is important to study the second contested

Irish peerage election of the 1830s in some detail.

The election took place against a background of political and constitutional history which Wellington, at least, thought about constantly. The first purpose of these elections in the minds of the Tories was to keep the Whigs from winning on a single occasion. The reasoning which sustained the pursuit of this goal was clear and cogent. Whig support in the country in the early 1830s, though extensive, was not absolute. The Tory fear between 1832 and 1841 was that a defeat in a peerage election in Ireland might demonstrate even more effectively than the electoral disaster in the Commons elections of 1832 the extent to which the change in the political system had fundamentally altered the constitution. Indeed, perhaps the structure of society itself was in danger as well. As the duke told the Earl of Aberdeen in 1833, it seemed that "Property has lost its political influence, and a division of the House of Lords upon any question can have no political consequence whatever."⁶⁹ If the processes eroding the importance of property and its political influence in the country were to be checked, then property and those who defended it had to be seen to be clearly in control at least of their own internal affairs. This was particularly necessary by 1836 when Whig majorities in the Commons and Whig support in the country had been considerably eroded. A reviving Tory opposition could ill afford a setback in Ireland on any occasion.

The death of Lord Dufferin and Claneboye on 8 August 1836 provided Lord Melbourne's government with an unanticipated opportunity to assert its influence in Irish affairs. Irish measures had been in serious difficulty all year long in the House of Lords and the Whigs needed to find some way of checking the growing effectiveness of Tory wrecking crews in Parliament. The election was their opportunity perhaps to signal a reversal of the tide.

Before the contest to be Dufferin's successor was over both parties were to learn a good deal about the management of these peerage elections. The Tories initially had two prospective candidates, Lords Harwarden and Clonbrock. The situation was confused as to whom the party had promised official support. Clonbrock actively sought Peel's assistance as a way of securing his selection for the nomination.⁷⁰ Roden, on the other hand, recognized Clonbrock's claim as legitimate but felt that Harwarden had a better one, in part because he enjoyed more support from the resident peers.⁷¹

The potential for a divided party was already well-established even before other candidates entered the field. Their presence further complicated the difficulties of the leaders. The first new candidate was Viscount Powerscourt who sought both Peel's "valuable support" and that of the duke. He based his candidacy on "devotion to the good cause" of conservatism and the fact of his being a resident landlord in "the strictest sense of that term,"⁷² meaning presumably that he resided exclusively in Ireland. Powerscourt was a young man and may have been merely testing the waters in order to call attention to his ambition and to secure support for a future vacancy. Wellington seems to have had no difficulty later in getting him not to press his interest on this occasion.⁷³ He was not to be so fortunate with the second peer on the scene.

Charles, second Earl of Charleville, was the son of an Irish representative peer who had held that position for thirty-four years before he died in 1835. That old gossip Creevy found the young earl to be the "greatest bore the world can produce," and commented sarcastically that he was married to "a very handsome woman, and somewhat loose, but as she is dying of consumption, we will spare her."⁷⁴ Charleville was extremely ambitious and not subject to any restraint in seeking outlets for it. He felt that his work for the party in Ireland, where he

stood "several severe & expensive contests," coupled with his father's long service to the party, entitled him to support in this election irrespective of who the other candidates might be or what their qualifications were.⁷⁵

Wellington tried to put him off, saying that he would as always work to assure the victory of the candidate selected by the party. He promised to strive subsequently to assure the ultimate "gratification of the wishes of all."⁷⁶ Charleville, alas, did not take the hint. Instead, he wrote a rejoinder.⁷⁷ The letter is interesting in that it both sheds light on the earl's personality and helps to explain the events which subsequently transpired.

Charleville based his claim on the principle, supposedly established by Lord Liverpool, that whatever the personal merits of the candidates seeking the nomination of the party for Irish representative peerage vacancies, support should go first to those who were sitting or had sat in the House of Commons. This was particularly important in his case as he had lost his borough in the Reform Act. This loss forced him to fight contests "at increased disadvantage" against ministerial candidates in places where he had little influence. To compound his unhappiness, when he stood for Falmouth in 1835 while Peel was minister he was not given the promised Admiralty support which might have secured his election.

His justification reads to this point like many other letters from disgruntled and disfranchised old Tories in this period. What is unique about Charleville's views is his appeal to party loyalty as the ultimate test of the merit of a candidate. It is worth quoting him in full. If, he said, "after all this others who have neither fought, bled or suffered for the cause are preferred to me, *as a party man*,"⁷⁸ I say you do immense injury to the party." Herein lay the potential for the worst possible scenario for the election: a party man appealing over the heads of the leaders for rank and file support.

While the duke was digesting this argument, Harwarden reported that the Whigs had sent Lord Lismore, their unsuccessful candidate three years earlier, into the field once again. They were apparently very serious about the effort as they had appointed an agent who had begun to canvass on his behalf.⁷⁹ As in other elections before and afterwards, the situation was confused, though with potential consequences that were not typical of these events. It is clear that there was disorganization because Clonbrock was still trying to find out whether or not he was the official candidate. All he discovered, however, was the level of uncertainty. Peel referred him to Wellington for advice; the duke referred him back to Peel for guidance.⁸⁰ Meanwhile Charleville and Powerscourt had begun to apply for support from others, including the Duke of Cumberland.⁸¹ Whig delight at this spectacle must have been considerable.

The specter of a divided Tory vote which would assure Lismore's victory in a three or four cornered fight was turning rapidly into a certain prospect. Thus it is not surprising that Wellington and Peel both became actively involved in efforts to settle quickly on a single candidate. It may have been the case that all four Tory suitors for the nomination (Harwarden, Clonbrock, Powerscourt, and Charleville) were suitable, but the duke found that their claims were easily distinguishable. In his view Harwarden, because of his support among the resident peers, and Clonbrock, who had withdrawn on two previous occasions, had better claims than Powerscourt, who only came of age in August 1836, and Charleville, who had been a peer only "a few months."⁸²

The issue was how to get three of the four to retire from the emerging contest so that the official candidate could get on with the canvass. The first thing to settle was to whom the nomination should go. The duke preferred Harwarden because he was the favorite of the Irish themselves. Peel's choice

was Clonbrock, who seemed to be a more thorough party man, but he recognized that the lead in these matters was Wellington's and agreed to go along with Harwarden's selection.⁸³ This decision taken, it was an easy matter to get Powerscourt to suspend his candidacy.⁸⁴ Clonbrock, who was withdrawing for a third time, also proved to be no problem, especially as Wellington all but promised him the next vacancy: "I cannot but feel anxious that your Lordship should be gratified more particularly as you have consented to postpone your own pretensions for the general convenience."⁸⁵

That left Charleville. Since he had twice turned a deaf ear to Wellington, Peel undertook to get him to postpone his candidacy. The reason Peel gave was the same one Harwarden and Clonbrock and probably countless others had accepted on previous occasions when there was more than one acceptable Tory candidate, "to prevent disunion and a division of the same political interest."⁸⁶ Peel's effort fared no better than the duke's. It merely elicited a petulant reply to the effect that Charleville was still in the contest and that he regretted "on party grounds" that service in the Commons was "no longer considered as giving a superiority of claim for the Rep. Peerage."⁸⁷ His independence, not to mention his obstinacy, certainly did nothing to recommend him to Peel, to the duke, or to their supporters.

It was at this point that Harwarden himself decided to intervene with Charleville. He went to see him only to discover that he remained adamant in his intention to stand. Harwarden then found Lord Fitzgerald, who promised to see the Marquess of Hertford, who was one of Charleville's leading supporters and a peer of some influence, to see if somebody could reason with him. Meanwhile Harwarden continued to contact the peers to solicit their votes, not always with success despite Wellington's support.⁸⁸

Charleville's perseverance is difficult to explain fully. In part it may have been based

on his hope that the duke could be persuaded to change his mind. A more plausible explanation is that some Ultra peers, including the Duke of Cumberland, were actively supporting his candidacy.⁸⁹ With their help he thought he could win. Perhaps he even saw himself as the champion of that faction. Whatever the reasons, his refusal to withdraw made it necessary for Wellington to reprimand him. "My views," he wrote in a statement in which the lack of coherence is an indication of the extent of his anger and frustration, "are that Peers should be elected as vacancies occur qualified by Property by respectability of Character and by Residence in Ireland for whom it may appear to me that the Resident Irish Peers of Conservative opinions are disposed to vote." To split that group on this occasion will mean that "not only this but all future elections must be lost."⁹⁰ He could hardly have been clearer. The fate of the Conservative interest depended on united action.

Charleville made one final effort to justify his decision. He sent the duke extracts of letters from his supporters and discredited Harwarden's candidacy on the grounds that he was hardly ever in Ireland.⁹¹ Wellington, resigned to failure, admitted he might have erred in giving his support to Harwarden, and promised not to complain whatever course Charleville followed.⁹²

The situation was an unhappy one which confused several peers and left them anxious to find a resolution which was satisfactory to all concerned. One of these men, Lord Lifford, proposed that both Harwarden and Charleville be elected on the grounds that since some representative peers had been elevated to United Kingdom peerages they no longer represented anyone. There were consequently more vacancies to fill than the one being officially contested.⁹³ Wellington summarily rejected this interpretation of the Act of Union.⁹⁴

Lord Strangford had another solution to assure Harwarden's victory. He suggested

that they challenge Lord Oranmore's right to vote. Oranmore, a supporter of Lismore, was made a peer only in 1836. Strangford thought his elevation was probably improper under the provisions of the Act of Union for the creation of new Irish titles. The Act had specified that the king was limited in his power to create Irish aristocrats by authorizing only one new creation upon the extinction of three existing titles. The purpose of this provision was gradually over time to reduce the number of Irish titles to one hundred.

In Strangford's mind the Whigs had erred when they claimed that one of the extinct titles which enabled Oranmore's elevation was that of the earldom of Munster, held by William IV, which had become extinct by reason of merger in the Crown in 1830. Therefore the Tories should challenge his right to vote. If successful that would reduce Lismore's support and have the added benefit of giving "these gentry a lesson in the consequence[s] of making Peers in a hurry."⁹⁵ Wellington did not like this idea either.⁹⁶

No one will ever know for certain how many schemes such as those of Lifford and Strangford were circulated among the Irish peers during this election. It is clear that these suggestions reflected the divided nature of party loyalties caused by the circumstances. They are also indicative of the worrisome nature of the closeness of the contest itself.

Meanwhile the canvass began, with Harwarden's affairs handled by Captain Cottingham who served as a symbol of his official support. By 3 September he had fifty-three pledges. Others held back or were committed to Charleville or Lismore.⁹⁷ Certainly the canvass was a tough one to manage. It also produced considerable anxiety in Harwarden. The tension of all concerned is reflected in a series of lists he sent to Wellington and in the duke's own calculations of the support he had. These documents were prepared in late August and early Sep-

tember.⁹⁸ The most interesting of them is an unsigned and undated memo in the duke's own hand.⁹⁹ It clearly demonstrates the good possibility of a Whig victory and for that reason is worth quoting in full.

Certain for Lord Harwarden	55
Certain for Lord Lismore	43
Certain will not vote for Lord Lismore	17
Doubtful for whom they will vote	13
Certain for Lord Charleville	11

Add to Lord Charleville all that it is not known will vote for Lord Harwarden and it is known will not vote for Lord Lismore	17
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Supposed for Lord Charleville	28
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Add all the doubtful to Lord Lismore	13
Making Lord Lismore	56

The interpretation is clear; the results, if uncertain, portend still of disaster. Charleville's candidacy allows Lismore to win by a single vote. His withdrawal would assure Harwarden's victory.

Wellington faced these results like a good soldier. When cornered, he embarked on an offensive. He decided to make one final effort to assure Harwarden's success. He wrote to the Duke of Cumberland, then in Berlin and actively supporting Charleville if only from a distance, to say that the official candidate was Harwarden, who "will certainly be elected." Failure to support him, however, would serve only to divide the party and the "radicals" would win the election.¹⁰⁰ If the message seems garbled and internally self-contradictory at first reading today, it was quite clear to Cumberland. They were going to lose unless Charleville withdrew. Cumberland had to change his vote and his support had to be given openly to Harwarden.

Although he disliked the duke's politics and the moderate views of Peel and his followers in the Commons, Cumberland despised radicals and Whigs. He capitulated, promising his vote to Harwarden in order

to keep the party together. More important, he undertook to write Charleville to get him to see reason.¹⁰¹ His intervention was critical and decisive. Shortly after Wellington received his letter, Charleville wrote to say that he had heard from all of his supporters and that he was withdrawing in order to support Harwarden. This decision assured a Tory victory which took place on 31 October.

In assessing the motives of the principal participants in this election, several conclusions emerge. Charleville's intention all along was to win if he could. In putting together his canvass he counted heavily on the support of the Ultras. He also seems to have had it in mind that his candidacy, if it failed, would at least enable him to demonstrate the extensive support that he had in Ireland. This would help to negate his being only recently ennobled and could not fail to give any future candidacy more credibility.¹⁰² Wellington abhorred this practice of securing future preference by present actions. Charleville and others, he said, must learn to exercise "a little of the virtue called Patience!" Otherwise Tories would never win an election to the representative peerage.¹⁰³ Even so, he did not in the end begrudge Charleville's election which took place with official support on 13 April 1838.

Wellington's motives throughout were more complex. On the one hand he wanted very much to maintain his own position as leader of the peers, although he found the necessity to attend to the details of these elections bothersome.¹⁰⁴ A more important goal was to assure that the party continued its hold on these elections so that the Whigs did not perpetually exploit Tory divisiveness. That he was successful in this effort in 1836 is reflected in the series of uncontested elections which followed.

The most difficult thing to determine is the extent to which the duke also acted out of a desire to keep the Ultras in check. Both Harwarden and Clonbrock, the party's sec-

ond choice, were moderates who would follow the lead of Peel and Wellington in Parliament. Harwarden at least demonstrated this loyalty by voting for the repeal of the Corn Laws in 1846.¹⁰⁵ Charleville, on the other hand, was a consistent and outspoken Ultra, especially on Irish affairs. His candidacy combined an unwillingness to follow the course charted by Peel and the duke in Parliament with an unhappy tendency to substitute his own judgment for theirs on what were the best interests of the party. It was a credit to their perseverance and patience that both men, after their initial failure to secure his withdrawal, let events take their course until such time as the duke's influence could be used to tip the balance against him.

Finally, the contested representative peerage election of 1836 demonstrates the problems of party management in the mixed constitutional arrangements in the post-Reform Act era. It shows that these representative peerage places, though few in number and insignificant in themselves, were of great importance as theaters for inter- and intra-party conflict. Furthermore, the uncertain

Tory majority was never more fully exposed than it was in 1836. This narrow majority required effective leadership: leadership based more on the exercise of restraint and the powers of persuasion than on an ability to command men to follow and to deny them rewards if they did not.

In the long run as well as in the span of the decade while the Tories were in opposition, the effective use of the duke's influence in all of these elections, contested and uncontested alike, serves as an excellent example of his capacity as a political leader. His success in meeting this obligation in these elections helped to influence the course of events in the House of Lords. It also helped to stabilize the role of that House in the constitution. Most important, it contributed materially to Peel's ultimate success in assuring the emergence of a serious and effective alternative party to the Whigs. The Irish representative peerage elections, therefore, serve as a microcosm of the broader political processes at work in the emerging Conservative Party during the decade of reform.

NOTES

1. 40 George III c. 67 (2 July 1800), article 4, in Arthur Aspinall and E. Anthony Smith, eds., *English Historical Documents 1783-1832* (London, 1959), 197-201.
2. Fifty-three of these titles were the result of batch creations in 1628, 1776, 1783, and 1789. In addition, Pitt's ministry outdid all others with thirty-eight creations in 1800/01. *The Complete Peerage of England Scotland Ireland Great Britain and The United Kingdom, Extant or Dormant* by GEC (New ed.; 13 vols.; London, 1910-1940), 3: 642-47. Small wonder that Horace Walpole called the Irish peers a "mob of nobility" and George III "in private laughed much at the eagerness for such insignificant honours." Quoted *ibid.*, 643.
3. A. S. Turberville, "The Scottish and Irish Representative Peers, 1783-1837," 27-28.
4. Turberville's single article, "Scottish and Irish Peers," cited above, and his book *The House of Lords in the Age of Reform, 1784-1837: With an Epilogue on Aristocracy and the Advent of Democracy, 1837-67*, 124-29, remain the standard sources.
5. Arthur Stanley Turberville, "The House of Lords and the Advent of Democracy, 1837-67," 173-74.
6. "The house of lords and Ireland in the age of Peel, 1832-50," *Irish Historical Studies*, 9 (Sept., 1955): 367-99.
7. See especially Norman Gash, *Politics in the Age of Peel: A Study in the Technique of Parliamentary Representation, 1830-1850* and Norman Gash, "F. R. Bonham: Conservative 'Political Secretary', 1832-41," 502-22.
8. George Sidney Robert Kitson Clark, *Peel and the Conservative Party: A Study in Party Politics 1832-1841* (2d. ed.; London, 1964), 80.
9. *Politics in the Age of Peel*, xii.
10. The metaphor is that of Robert Blake, *The Conservative Party from Peel to Churchill*, 11.
11. Gash, *Politics in the Age of Peel*, chapter XV, esp. 412-18 on the role of Bonham.
12. Blake, *Cons. Party*, 15.
13. *Ibid.*, 21.
14. Peel, of course, designed it to fulfill the narrower

- function of explaining the goals of his new ministry of 1834 to his own constituents. Norman Gash, *Sir Robert Peel: The Life of Sir Robert Peel After 1830*, 93–99.
15. Wellington to the earl of Roden, Stratfield Saye, 17 Jan. 1834, John Brooke and Julia Gandy, eds., *The Prime Ministers' Papers: Wellington Political Correspondence 1: 1833–November 1834*, 422–23. Hereafter cited as WPC.
 16. London, 18 May 1836, copy, Wellington Papers, 40/19.
 17. "The house of lords and Ireland," 371–84; Kitson Clark, *Peel and the Cons. Party*, passim.
 18. Turberville, "H. of L. and Advent of Democracy," 152–55.
 19. Wellington to Bandon, 8 Jan. 1833, Brooke and Gandy, WPC, 20.
 20. "The house of lords and Ireland," 367–68. The figures given are 105 of 423 with another 22 who may have possessed Irish land.
 21. A typical example is that of *The Dublin Gazette*, Thursday September 8, 1836: 505–6.
 22. In the Wellington Papers, 42/108–14. The list for 1833 is in Brooke and Gandy, WPC, 35–36.
 23. Obituary of the 4th earl, *The Gentleman's Magazine* (Aug., 1833): 176.
 24. *Complete Peerage*, 12, pt. 2: 266 n. (c).
 25. *A List of Representative Peers . . . for Ireland, 1800 to 1961*, "House of Lords Record Office Memorandum No. 39" (London, 1968), 27–41.
 26. Turberville, *House of Lords*, 478, gives the figure as 353 hereditary peers for 1836.
 27. The most extensive study of the Scottish peers is Sir James Fergusson, Bart., *The Sixteen Peers of Scotland. An Account of the Elections of the Representative Peers of Scotland, 1707–1959*. In the six elections of the 1830s the number of voting Scottish peers was as follows: 1830: 21; 1831: 30; 1833: 24; 1837: 18; 1841: 21. *Ibid.*, 163.
 28. *Complete Peerage*, 12, pt. 2: 810.
 29. *Ibid.*, 9: 474–75.
 30. *Ibid.*, 8: 548.
 31. *Ibid.*, 7: 426.
 32. Quoted in Large, "The house of lords and Ireland," 370.
 33. He was also Baron Westcote in the peerage of Ireland. *Complete Peerage*, 8: 314.
 34. *Ibid.*, 3: 62–63.
 35. *Ibid.*, 3: 256.
 36. "Scottish and Irish Peers," 36.
 37. Peel to Wellington, Drayton Manor, 27 Oct. 1839, Wellington Papers, 63/24–26.
 38. Same to Same, Whitehall, 23 Apr. 1839, *ibid.*, 58/100–1.
 39. Roden makes this role clear on more than one occasion. In 1833, for instance, he says "I find the poor Protestants are so much encouraged by my being among them, and their devotion to our interests at the time of the election [of Lord Downes] one and all is not to be forgotten." To Wellington, 4 Jan. 1833, Brooke and Gandy, WPC, 13.
 40. "The house of lords and Ireland," 370.
 41. The story is told in many places. The most detailed account is James A. Reynolds, *The Catholic Emancipation Crisis in Ireland, 1823–1829*, 156–68.
 42. Dublin, 8 Apr. 1833, Brooke and Gandy, WPC, 190–92.
 43. Wellington to Fitzgerald, Stratfield Saye, 12 Apr. 1833, Private and Confidential, *ibid.*, 201–2.
 44. London, 20 Aug. 1834, *ibid.*, 637.
 45. Tollymore Park, 25 Aug. 1834, Private and Confidential, *ibid.*, 643–44.
 46. Walmer Castle, 29 Aug. 1834, Private and Confidential, *ibid.*, 650–51.
 47. Walmer Castle, 29 Aug. 1834, Private and Confidential, *ibid.*, 651–52.
 48. Malvern, 8 Sept. 1834, *ibid.*, 668–70.
 49. Wellington to Aberdeen, Walmer Castle, 21 Sept. 1834, *ibid.*, 675–76.
 50. Fitzgerald to Wellington, Dublin, 26 Oct. 1834, *ibid.*, 702.
 51. Peel to the Chief Justice of Common Pleas in Ireland (John Doherty), Whitehall, 9 Sept. 1841, copy, British Library Add. MS 40486 ff. 245–46, and Peel to Powerscourt, Whitehall, 3 Sept. 1841, copy, Add. MS 40487 f. 185, are two examples of his views.
 52. For instance, Wellington to Roden, London, 20 Aug. 1834, Brooke and Gandy, WPC, 637 on Lord Bandon's interest, and Peel to Wellington, Drayton Manor, 28 Nov. 1840, Wellington Papers, 72/152 on Lord Blayney's interest.
 53. Dunraven to Peel, Adare, 28 Sept. 1838, Add. MS 40425 f. 251.
 54. Roden to Wellington, London, 8 Oct. 1838, Wellington Papers, 54/14. He ultimately was right as Dunraven became a Peelite after 1846. *Complete Peerage*, 4: 548.
 55. Wellington to Roden, W. C., 19 Oct. 1838, copy, Wellington Papers, 54/41.
 56. Wellington to Lord Lucan, Lakham (?) Chertsey, 10 July 1839, *ibid.*, 60/43.
 57. Farnham to Wellington, Farnham, Cavan, 30 Oct. 1838, Private, *ibid.*, 54/66.
 58. Letters to Wellington, *ibid.* from Crofton, Dublin, 9 Apr. 1839, 58/79, from Lifford, Astley Castle near Coventry [23 Apr. 1839], 58/105a, and from Caledon, 5 Carlton House Terrace, 8 May 1839, 58/144.
 59. To Wellington, 12 Apr. 1839, *ibid.*, 58/84.
 60. Wellington to Rathdowne, 14 Apr. 1839, copy, *ibid.*; Dunraven to Wellington, Adare, Ireland, 16 Apr. 1839, and copy of reply, London, 19 Apr. 1839, *ibid.*, 58/90–91.
 61. Peel to Wellington, Whitehall, 23 Apr. 1839, *ibid.*, 58/100–1.
 62. Adare to Wellington, 30 Easton Place, 2 May 1839 and copy of reply, London, 3 May 1839, *ibid.*, 58/126–27.
 63. London, 13 May 1839, copy, *ibid.*, 58/149.
 64. Adare, 8 May 1839, Add. MS 40426 ff. 220–21.

65. Dunraven to Wellington, Adare, Ireland, 20 July 1839, Wellington Papers, 60/96.
66. To Wellington, Belfield Drumcondra (?), Dublin, 10 Aug. 1839, *ibid.*, 61/87-88.
67. This loyalty was partially the result of his close ties with Wellington in the diplomatic service and the duke's support of his unhappily and unfortunate selection as ambassador to St. Petersburg in 1835. Charles R. Middleton, *The Administration of British Foreign Policy, 1782-1846*, 233.
68. Large, "The house of lords and Ireland," 370.
69. Stratfield Saye, 7 Mar. 1833, Add. MS 43060 ff. 80-82.
70. To Peel, London, 13 Aug. 1836, Add. MS 40422 ff. 102-5.
71. Roden to Wellington, Tollymore Park, 14 Aug. 1836, Wellington Papers, 41/155.
72. Letters to Wellington and Peel, Clarendon Hotel, Bond St., 14 & 15 Aug. 1836, *ibid.*, 41/156 and Add. MS 40422 ff. 105-6.
73. To Powerscourt, London, 16 Aug. 1836, copy, Wellington Papers, 41/146.
74. *Complete Peerage*, 3: 142 n. (b).
75. Charleville to Wellington, St. George's Place, Saturday Evening, 15 Aug. 1836, Wellington Papers, 42/2.
76. To Charleville, London, 15 Aug. 1836, copy, *ibid.*
77. St. George's Place, Thursday, [20 Aug. 1836], Private, *ibid.*, 42/17-19.
78. Italics his.
79. 38 Grosvenor Street, 20 Aug. 1836, *ibid.*, 42/28.
80. Clonbrock to Wellington, London, 22 Aug. 1836, *ibid.*, 42/35 and draft reply, W. C., 23 Aug. 1836, 42/36.
81. Cumberland to Wellington, Berlin, 23 Aug. 1836, *ibid.*, 42/45.
82. Wellington to Cumberland, W. C., 31 Aug. 1836, copy, *ibid.*, 42/46.
83. Peel to Wellington, Norris Castle, Cowes, 23 Aug. 1836, *ibid.*, 42/47.
84. He subsequently supported Harwarden. Harwarden to Wellington, 38 Grosvenor Street, 27 Aug. 1836, *ibid.*, 42/55.
85. W. C., 26 Aug. 1836, copy, *ibid.*, 42/53.
86. To Charleville, Norris Castle, Cowes, 23 Aug. 1836, copy, Add. MS 40422 f. 112.
87. To Peel, London, 24 Aug. 1836, *ibid.*, ff. 113-15. Peel's reply was that he preferred Clonbrock over all others. Norris Castle, 25 Aug. 1836, copy, *ibid.*, f. 116. He had already told Wellington that there was no merit or truth in the supposed policy of Liverpool. Norris Castle, Cowes, 23 Aug. 1836, Wellington Papers, 42/47.
88. Harwarden to Wellington, 38 Grosvenor Street, 27 Aug. 1836, Wellington Papers, 42/55.
89. Charleville to Wellington, London, 27 Aug. 1836, *ibid.*, 42/56, and 30 Aug. 1836, 42/63.
90. W. C., 28 Aug. 1836, copy, *ibid.*, 42/57.
91. To Wellington, London, 31 Aug. 1836, *ibid.*, 42/67-69.
92. W. C., 2 Sept. 1836, copy, *ibid.*, 42/70. Charleville brooded, regretting that he was not "considered worthy of the support of your Grace & the Lords of the party with whom I have acted." To Wellington, London, 8 Sept. 1836, Private, *ibid.*, 42/95.
93. To Wellington, Astley Castle near Coventry, 9 Sept. 1836, *ibid.*, 42/96.
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95. To Wellington, London, 14 Sept. 1836, *ibid.*, 42/116-17.
96. To Strangford, W. C., 15 Sept. 1836, copy, *ibid.*, 42/118-19.
97. Harwarden to Wellington, 38 Grosvenor Street, 3 Sept. 1836, *ibid.*, 42/73.
98. *Ibid.*, 42/108-13.
99. *Ibid.*, 42/108.
100. W. C., 31 Aug. 1836, copy, *ibid.*, 42/46.
101. To Wellington, Berlin, 12 Sept. 1836, *ibid.*, 42/101-2.
102. Charleville to Wellington, London, 17 Sept. 1836, *ibid.*, 42/130.
103. To Strangford, W. C., 15 Sept. 1836, copy, *ibid.*, 42/118-19.
104. Wellington to Cumberland, 31 Aug. 1836, copy, *ibid.*, 42/46.
105. *Complete Peerage*, 6: 412. He did not, however, become a Peelite thereafter.

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